

By Mr. MADDEN: Resolutions by Federal grand jury at Boston, Mass., urging increase in wages; to the Committee on the Judiciary.

By Mr. RAKER: Resolutions by the Sacramento Valley (Cal.) Development Board, requesting the passage of Senate bill 758 and House bill 4595; to the Committee on Pensions.

Also, resolution by the Gardena Parents-Teachers' Association, Los Angeles, Cal., indorsing Senate bill 4987; to the Committee on Education.

By Mr. VARE: Petition of Hon. John J. Guerin, representative of building and loan associations, clubs, and fraternal organizations of South Philadelphia, urging passage of legislation for the retirement of aged Government employees; to the Committee on Reform in the Civil Service.

Also, resolutions of the Lumbermen's Exchange of the city of Philadelphia, relative to making the Darby River navigable; to the Committee on Rivers and Harbors.

SENATE.

WEDNESDAY, December 18, 1918.

(Legislative day of Sunday, December 15, 1918.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The VICE PRESIDENT resumed the chair.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

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|-------------|------------------|--------------|------------|
| Ashurst | Johnson, Cal. | New | Spencer |
| Baird | Johnson, S. Dak. | Norris | Sterling |
| Bankhead | Jones, N. Mex. | Nugent | Sutherland |
| Beckham | Jones, Wash. | Overman | Swanson |
| Borah | Kellogg | Penrose | Thomas |
| Brandagee | Kenyon | Pittman | Thompson |
| Chamberlain | Kirby | Polindexter | Townsend |
| Colt | Knox | Pollock | Trammell |
| Culberson | La Follette | Pomeroy | Underwood |
| Curtis | Lenroot | Robinson | Vardaman |
| Fernald | Lodge | Saulsbury | Walsh |
| Fletcher | McCumber | Shafroth | Warren |
| France | McKellar | Sheppard | Watson |
| Gay | McLean | Sherman | Weeks |
| Gronna | McNary | Simmons | Williams |
| Harding | Martin, Ky. | Smith, Ariz. | Wolcott |
| Hardwick | Martin, Va. | Smith, Cal. | |
| Henderson | Moses | Smith, Mich. | |
| Hitchcock | Myers | Smoot | |

Mr. CURTIS. I wish to announce the absence of the junior Senator from New York [Mr. CALDER] on account of illness. I will let this announcement stand for the day.

Mr. CHAMBERLAIN. The Senator from Maryland [Mr. SMITH] is detained on official business.

Mr. SUTHERLAND. My colleague [Mr. Goff] is absent owing to illness.

The VICE PRESIDENT. Seventy-three Senators have answered to the roll call. There is a quorum present.

SENATORS FROM GEORGIA AND ALABAMA.

The VICE PRESIDENT. The Chair lays before the Senate the following document which has been sent to the Chair. It will be read and referred to the Committee on Privileges and Elections.

The Secretary read as follows:

The State of Georgia. By his excellency Hugh M. Dorsey, governor of said State.

To the Hon. WILLIAM J. HARRIS, greeting:

Whereas by the Constitution of the United States of America it is ordained and established that the Senate of the United States shall be composed of Members chosen every six years by the people of the several States; and

Whereas by the returns made agreeably to law of the election held on the 5th day of November, A. D. 1918, for a Member of the Senate to represent this State in the Senate of the United States for six years, beginning on the 4th day of March, 1919, you were duly elected by the people of this State.

These are, therefore, to commission you, the said WILLIAM J. HARRIS, to take session in the Senate of the United States for six years beginning on the 4th day of March, 1919, and to use and exercise all and every the privileges and powers which of right you may or can do in and by virtue of the Constitution of the United States in behalf of this State.

Given under my hand and the great seal of the State at the capitol in Atlanta, this 3d day of December, in the year of our Lord 1918, and of the Independence of the United States of America the one hundred and forty-third.

By the governor:
[SEAL.]

HUGH M. DORSEY, Governor.

HENRY B. STRANGE,
Secretary of State.

Mr. UNDERWOOD. I present the credentials of my colleague [Mr. BANKHEAD] for the new term for which he has been elected. I ask that they be read and filed.

The credentials were read and ordered to be placed on file, as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 5th day of November, 1918, JOHN H. BANKHEAD was duly chosen by the qualified electors of the State of Alabama a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1919.

Witness: His excellency our governor of Alabama and our seal hereto affixed at the capitol this 19th day of November, in the year of our Lord 1918.

By the governor:
[SEAL.]

CHARLES HENDERSON, Governor.

JOHN PURIBOT,
Secretary of State.

Mr. SMITH of Georgia. Mr. President, I had the privilege some days ago of handing you the usual form of certificate of election of my future colleague, Mr. HARRIS, which was laid before the Senate and placed on file in the ordinary course. I only desire to call attention to it now.

The VICE PRESIDENT. This document came to the Chair with the request that it be laid before the Senate.

Mr. LODGE. Mr. President, my attention was diverted. What disposition was made of that credential?

The VICE PRESIDENT. Which one?

Mr. LODGE. The Harris credential.

The VICE PRESIDENT. It was referred to the Committee on Privileges and Elections.

Mr. LODGE. I thought the Senator from Georgia spoke of it as having been placed on file.

The VICE PRESIDENT. As the Senator from Georgia informed the Senate, the regular certificate was handed down some days since. This is a commission from the governor to the effect that Mr. HARRIS will appear and take his seat here on the 4th of March next. It is not in the form of a credential; but it came with the request that it be laid before the Senate, and it has been referred to the Committee on Privileges and Elections.

Mr. LODGE. What was the other credential?

Mr. SMITH of Georgia. It conformed to the usual conditions as provided by the Senate.

The VICE PRESIDENT. The other was in the usual form, as ordered by the Senate. This is going to be the rule of the Chair, unless otherwise ordered by the Senate. The Senate adopted a form to be followed by the governors of the various States when certifying to the election of United States Senators. When the credentials come in that form they will be laid before the Senate, and unless the Senate takes some other action they will be placed on file, but when they come in some other form and do not comply with the resolution of the Senate they will be referred to the Committee on Privileges and Elections.

Mr. SMITH of Georgia. I think this document was not necessary at this time. The certificate that I presented was in the regular form required by the Senate, and my only desire was to mention the fact that the certificate, in pursuance of the form prescribed by the Senate, had been filed and had taken the usual course.

Mr. LODGE. If I may ask, was the other credential, which I understand was that of the Senator from Alabama [Mr. BANKHEAD], placed on file?

The VICE PRESIDENT. It was the regular certificate, and was filed. On December 3 the regular certificate of the Senator elect from Georgia was placed on file.

Mr. SMITH of Georgia. This is a supplemental commission issued by the governor that I do not think was necessary.

Mr. LODGE. I was asking about another credential, which I understand was presented and placed on file.

PAY OF THE NAVY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting a letter from the Chief of the Bureau of Navigation requesting that the temporary increases in the pay of the Navy as authorized by the act approved May 22, 1917, be made permanent, which, with the accompanying paper, was referred to the Committee on Naval Affairs and ordered to be printed.

STATEMENT OF EXPENSES.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report from the Commissioner of the General Land Office showing a statement of expenses incurred in detailing temporary clerks from the office of one surveyor general to another, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, requested the Senate to return to the House for correction the bill (H. R. 12001) to amend an act entitled "An act to revise, codify, and amend the laws relating to the judiciary," approved March 3, 1911.

PETITIONS AND MEMORIALS.

Mr. KNOX obtained the floor.

Mr. FLETCHER. I ask the Senator from Pennsylvania to yield that I may present some telegrams, which I ask be noted in the RECORD. They relate to the railroad situation.

Mr. KNOX. I yield for that purpose.

Mr. FLETCHER presented a telegram in the nature of a petition from the Sawyer Godfrey Co., of Jacksonville, Fla., praying for the speedy return of the railroads to private ownership, which was referred to the Committee on Interstate Commerce.

He also presented a telegram in the nature of a resolution from the Central Trades and Labor Council of Jacksonville, Fla., and a telegram in the nature of a resolution from the Brotherhood of Railway Carmen, Lodge No. 540, of Tampa, Fla., favoring the extension of Government ownership of railroads, which were referred to the Committee on Interstate Commerce.

He also presented a telegram from the Henry W. Horst Co., of Moline, Ill., relative to the housing project at Rock Island, Moline, and East Moline, Ill., which was referred to the Committee on Public Buildings and Grounds.

Mr. SIMMONS. Mr. President, I am going to call for the regular order.

Mr. FLETCHER. I present a communication with reference to the State of Florida and the United States courts, which I move be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. FLETCHER. I present a communication in the nature of a petition from the Federal grand jury for the southern district of Florida, praying for an increase in the compensation for members of the grand and petit juries and for witnesses before the Federal courts. I move that it be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. PHELAN presented a memorial of the Iron Trades Council of San Francisco, Cal., remonstrating against the Government's contracting with Chinese shipbuilders, which was referred to the Committee on Commerce.

HOUSING PROPOSITION.

Mr. SHERMAN. Mr. President, I wish to present a communication that probably ought to go to the Committee on Public Buildings and Grounds. It is an offer from a business firm in Rock Island, Ill., to take over the housing proposition for the Government at that place, complete all the buildings, and they will then pay cost, so that the Government will be out nothing. Probably it is the most intelligent salvage offer that has come to the attention of the Senate. I ask that it be referred to the Committee on Public Buildings and Grounds.

The VICE PRESIDENT. It will be so referred.

STATE OF THE COUNTRY.

Mr. McLEAN. I present a brief extract from the proceedings of the New England Baptist convention, held at Asbury Park, N. J., which I ask may be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THE 1918 STATE OF COUNTRY.

[The New England Baptist convention at Mount Pisgah Baptist Church, Asbury Park, N. J., June 13-17, 1918. By Rev. W. B. Reed, D. D., Hartford, Conn.]

War has been declared against all sin through all ages by the Throne of all power. War has been declared by our convention against sin, unrighteousness, class of racial laws, and we meet in this forty-fourth annual session to report progress. War has been declared by four-fifths of the world against autocracy, against political slavery, oppression, brute force, and discrimination against the weak; the price for this blessed world freedom is being paid in sacrifice, privation, untold suffering, blood, and death.

Never since man dropped from the breath of God has the world waded through such carnage of war. Never since the old serpent poured out his vials of sin, deception, and grief in the home of man have nations given the flower of their manhood that freedom might be written around the world. Never since civilization lifted men to councils of reformation, order, and law have women and children been sacrificed as now in the midst of this civilization. Never since treaties between nations were written have nations joined themselves together for a victory to be handed down to nations yet unborn. The world is in arms for world freedom and lasting peace among the nations great and small. What is to be the answer to this great conflagration upon fields of battle? On what side of the line through countless streams of blood will victory be written? Shall the unspeakable Kaiser, with his bloody sword, spoil the treasures of earth and his war lords become masters of the human family? Or shall truth be enthroned throughout the world, democracy proclaimed in every country, and individual liberty safeguarded in every home and upon every highway?

We almost hold our breath as the war news is flashed upon the bulletin board, less adversity should curse the human race. Thousands of fathers like Eli of old wait for tidings from the battle ground, inquiring from returning heralds, "What is there done?" Womanhood trembles while Prussianism shoots further and further its gaseous calamities among the children of men.

Our Nation has decreed that an honorable grave is more to be desired than the dishonorable vassal of Kaiser. We as a part of this Nation from its foundation, we who have marched under the Nation's flag in all its battles, say "Amen" to this decree. Some are "over there," others are in training, while others are waiting the call, with sleeves uprolled, shirt collars unbuttoned, and feet prancing for the march. Democracy, like running lightning, is playing on the vision of man. Something charming in the name. For 300 years we have prayed long, labored, and waited for real democracy. God is answering us and we accept the answer, though it comes through perils of war in a strange land.

Other men are dying who see only the shadow of oppression; we have been grievously tormented under the oppression they dread. Together we fight, together we die, together we must triumph, or together we fall. Kaiser's rod knows no color, race, or creed.

While the cannon roar, smoke envelops armies; while nations are locked in arms and their brave men are dying; while the only son of a sad but patriotic father stands between his country and autocratic invasion; while the young father gives his life for the success of his country and the freedom of his child, we ask that democracy, for which four-fifths of the world is fighting, be made clear to all men. Colored people are looking for real democracy and nothing but real democracy.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 5206) to provide for the inspection of fruits, vegetables, and other farm products at point of shipment, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. NEW:

A bill (S. 5207) to declare unlawful the exhibition of a red flag, and to fix a penalty therefor; to the Committee on the Judiciary.

By Mr. STERLING:

A bill (S. 5208) for the relief of certain noncommissioned officers of the United States Army who were recalled to active service during the recent war and commissioned as officers; to the Committee on Military Affairs.

By Mr. WILLIAMS:

A joint resolution (S. J. Res. 197) authorizing the appointment of an ambassador to the Republic of Peru; to the Committee on Foreign Relations.

THE REVENUE.

Mr. STERLING submitted an amendment intended to be proposed by him to the bill (H. R. 12863) to provide revenue, and for other purposes, which was ordered to lie on the table and be printed.

Mr. WOLCOTT submitted an amendment intended to be proposed by him to the bill (H. R. 12863) to provide revenue, and for other purposes, which was ordered to lie on the table and be printed.

Mr. GORE submitted an amendment intended to be proposed by him to the bill (H. R. 12863) to provide revenue, and for other purposes, which was ordered to lie on the table and be printed.

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (H. R. 12863) to provide revenue, and for other purposes, which was ordered to lie on the table and be printed.

RETENTION OF UNIFORMS.

Mr. ASHURST submitted an amendment intended to be proposed by him to the bill (H. R. 13366) permitting any person who has served in the United States Army, Navy, or Marine Corps in the present war to retain his uniform and personal equipment, and to wear the same under certain conditions, which was referred to the Committee on Military Affairs and ordered to be printed.

SALARIES OF FEDERAL JUDGES.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives requesting the return of the bill (H. R. 12001) to amend an act entitled "An act to revise, codify, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. SMITH of Georgia. I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the bill and that it be returned to the House of Representatives.

The VICE PRESIDENT. Without objection, it is so ordered.

LEAGUE OF NATIONS FOR PEACE.

Mr. KNOX. Mr. President, with the indulgence of the Senate, I ask the privilege of submitting a few observations in relation to the resolution that I introduced not long ago, which I ask to have read from the desk.

Mr. SIMMONS. I understand that the Senator desires to have it read simply in connection with his remarks and not for action?

Mr. KNOX. Only in connection with my observations.

Mr. SIMMONS. That is all right.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 361) submitted by Mr. KNOX December 3, 1918, and referred to the Committee on Foreign Relations, as follows:

Whereas the United States of America entered the war with Germany and Austria-Hungary in order to vindicate the ancient rights of navigation as established under international law and in order to remove forever the German menace to our peace; and

Whereas the splendid effort of the American people and the valor of our soldiers and sailors during a year and a half, when added to the enormous sacrifices, the steadfast fortitude, and the noble courage displayed by our allies during more than four years, have made possible the attainment of those aims, now best expressed as restitution, reparation, and guaranties against the German menace; and

Whereas the surrender of Germany and Austria-Hungary to the terms of the armistice has attained a great part, and has rendered enforceable the remainder of those aims; and

Whereas conferences are about to take place with the purpose to complete, to perfect, and to guarantee the attainment of the war aims aforesaid and thus to pass to the state of formal peace: Therefore be it

Resolved, That the purposes of the United States of America in those conferences should be confined to the aforesaid aims and matters germane thereto.

Second, That for the safeguarding of those aims the first essential is a definite understanding that the same necessity arising in the future there shall be the same complete accord and cooperation with our chief cobelligerents for the defense of civilization.

Third, That any project for any general league of nations or for any sweeping change in the ancient laws of the sea as hitherto recognized as international law and violated by the Teutonic powers should be postponed for separate consideration, if and when at some future time general conferences on those subjects might be deemed useful.

Resolved further, That immediately upon compliance with the terms of the armistice and the guaranteed attainment of the war aims as aforesaid, the Army and Navy of the United States should be withdrawn from foreign territories and waters except in so far as their retention might be temporarily necessary to establish the status contemplated by the armistice; and further that the extraordinary powers conferred upon the President for the prosecution of the war should be withdrawn and the country restored to a normal condition of peace with the greatest possible celerity consistent with the national interest.

Mr. KNOX. Mr. President, in addressing the Senate on October 28, in presenting the resolution of December 3, and in the remarks I now wish to make upon the subject of that resolution I am actuated by the conviction that the great national policies involved in the diplomatic closing of the state of war and in the conditions under which this Nation is to pass to the state of peace and to face the future are matters upon which the Senate and, indeed, the whole Congress of the United States should, through thorough discussion, reach a clear crystallization of their views upon the basis of the calm thought and the conscience of the American people. It is upon this necessity of full discussion, rather than advocacy of a particular program, that I wish, first of all, to dwell. But since a definite formulation of views is the best basis for practical discussion, I shall endeavor to put before the Senate some quite definite considerations.

For the fact that "the surrender of Germany and Austria-Hungary to the terms of the armistice has attained a great part, and has rendered enforceable the remainder of our war aims," we have the testimony of the President, who on November 11 read to Congress the terms of armistice signed by the enemy, and, having done so, said:

The war thus comes to an end; for having accepted these terms of armistice, it will be impossible for the German command to renew it.

Continuing, he said war "is at an end," and then added:

We know, too, that the object of the war is attained; the object upon which all free men had set their hearts; and attained with a sweeping completeness which even now we do not realize.

Further on he also said:

The arbitrary power of the military caste of Germany, which once could secretly and of its own single choice disturb the peace of the world, is discredited and destroyed.

These statements as to the results already accomplished the President repeated with equal emphasis in his address to Congress on December 2.

It is clear, then, that our attention should now be directed to the enforcement of the remainder of our war aims, now best expressed as restitution, reparation, and guaranties; and to the purpose to complete, to perfect, and to guarantee those aims as we pass to the state of formal peace. (I use again the language of the resolution of December 3.)

The definite problem of formally ending the war is: By what measures as to "restitution, reparation, and guaranties" shall we assure that the war now won shall stay won; that the menace now removed shall stay forever removed. Germane, in a broad sense, is the question by what measures of safeguard we may make the recurrence of any similar menace in

the future most improbable. Germane too, in this broad sense, are certain of the questions of the conditions under which the United States is to face the future; certain questions, but not all questions. We must guard against too great amplification just here.

Restitution becomes an accomplished fact with the evacuation of invaded territories and the definitive return to France of Alsace-Lorraine. The principle of restitution, applied to Germany's enforced relinquishment of political and economic means of aggrandizement in Russia, Roumania, Turkey, and elsewhere, extends into the field of measures to guarantee the world against a revival of the menace of Teutonic dominion.

Reparation is a matter of arithmetic, of law, and of equitable justice. In other aspects it also extends into the conception of practical, in contradistinction to paper, guaranties for the future. In this view it is not improper to consider whether the imposition of excessively onerous money payments might not have the effect of either a desperation favorable to anarchy or else a necessity to allow Germany great foreign-trade facilities (if indeed she can find customers for her goods) in order that she might produce the wealth required for vast indemnities. The latter alternative might in the long run have the result of forcing economic aggrandizement upon a people who, we have seen, can not now be safely intrusted with great power in the world. This war must be a lesson to Germans and to all who may ever think of emulating them. It occurs to me that to demand the cancellation of the German internal bonded war debt and the allocation of that sum to the funds for the indemnities of restoration, and so forth, might possibly be considered. Such a scheme would appear to punish the people who financed a villainous war in a way that they would be slow to forget.

As to guaranties, the condition of relative impotence in the face of the preponderant power of the allies to which Germany has been reduced by the terms of the armistice is, of course, the first of our real guaranties. The maintenance of that condition during a long period of repentance, probation, and expiation for the years of horror into which the Teutonic peoples plunged the world is the first of real guaranties against the recrudescence of any similar German menace.

As part of this guaranty for the future, as well as for the sake of humanity and the interest of the peoples affected, it seems entirely clear that her colonies should not be returned to Germany, but should either be divided among the chief belligerents or else jointly held by them, with their respective authority somewhat proportioned to their respective local interests and to their position as factors in victory. In either case the allies could determine and apportion such share of raw materials from their tropical and other territories as they found convenient after supplying their own requirements and having in view to give Germany the means of subsistence but not the means of aggrandizement.

The setting up of new free states as a cordon to cut off for the future the "Mittel Europa" and Near Eastern dream of founding Teutonic world dominion is in this respect another practical measure in the broad conception of real guaranties for the future. The effectiveness of this last-named form of guaranty against the Germanic menace may well call, from time to time, not only for measures to secure the external durability of those newly created states as against a powerful nation such as Germany, but also for measures to maintain safe conditions within and as between the new states in question. Thus it is true that even while we confine ourselves to what is broadly but no less really germane to our war aims, we are carried far afield, and we look for limits to the obligations which America could wisely share with Europe.

Here is the road we have traveled. The United States of America slowly, but in the end very clearly, perceived that a menace of Europe by the dominion of aggressive military power was in this nineteenth century a menace also to the safety of this Nation. America manifested this perception by throwing its entire power into the scales to join in the suppression of that menace of Europe by military imperialism.

Can we not perceive emerging from these facts a new American doctrine? I will state this great new doctrine in these words: If a situation should arise in which any power or combination of powers should, directly or indirectly, menace the freedom and peace of Europe, the United States would regard such situation with grave concern as a menace to its own freedom and peace and would consult with other powers affected with a view to concerted action for the removal of such menace.

If this had been the avowed and understood policy of the United States before July, 1914, it is, in my judgment, very improbable that the war would have occurred. When at length the United States had perceived and had acted upon this policy

with mighty effect the war entered on its last and victorious phase. America has now perceived and manifested its perception of the principle of this policy. It has put this policy to successful test. Avowed by public official declaration, it might prove worthy, I believe, to serve with the Monroe doctrine as a fundamental doctrine of American diplomacy. It entangles us in no way, but it makes us the potential ally of the defenders of liberty whenever a great menace shall arise.

When the British statesman Canning saw that the aggressive designs against the Western Hemisphere that were cherished by certain powers were capable of a repercussion likely to menace the European situation, the Monroe doctrine arose to ward off that menace (as well as to secure American safety). The Monroe doctrine, with virtual European sanction, and especially with British sanction, serves its purposes well. It would, I think, be sure of British support if it were menaced. But the Monroe doctrine leaves to the United States the mandate that it carries, and it is for the United States to do what need be done to maintain safe conditions within and as between the Republics of this hemisphere in connection with our predominant interest in their external durability as against an aggressive power from without.

There is a certain analogy between this and what would be a corollary to the doctrine now suggested, as it would touch the question of our obligation in the matter of new States now being raised up in Europe. The corollary would be that if such new States were menaced as part of a general European danger then the United States would be concerned; but that what need be done to maintain safe conditions within, or as between them, would be primarily a European concern and a European obligation in the discharge of which we need take no part. And this is as it should be. There is no need that American troops should travel thousands of miles for any other purpose than to ward off a menace to vital American interests.

The doctrine which I propose would seem to embody a simple and safe basis for that "definite understanding that, the same necessity arising in the future, there shall be the same complete accord and cooperation with our chief cobelligerents for the defense of civilization" as was effective in this case, and which is "the first essential for the safeguarding of our war aims," to use the language of the resolution of December 3.

That resolution next records the opinion that—
any project for any general league of nations, or for any sweeping change in the ancient laws of the sea as hitherto recognized as international law and violated by the Teutonic powers should be postponed for separate consideration not alone by the victorious belligerents but by all the nations, if and when at some future time general conferences on those subjects might be deemed useful.

Let me turn now to the resolution's recommendation that no project for any general league of nations should be dragged into the peace negotiations. As I have previously had occasion to remark, an act of Congress of August, 1916, authorized and requested the President to call a conference of the nations on the subjects of the arbitration of international disputes and gradual disarmament of the nations. The representation of this country was to consist of 10 delegates, eminent in the law and for loyalty, who were to report back their conclusions to their own Government. It was requested that the conference should be called not later than at the close of the war. An appropriation of \$200,000 was voted for the purpose. If any such subject is to be taken up, we have here authoritative recommendation by the Congress for its separate consideration.

The object of my resolution is not to condemn in advance any league of nations—and least of all the existing entente, or a permanent understanding of all the English-speaking peoples—of a kind that might in time commend itself to the considered judgment of the American people. The object of my resolution is simply to postpone the larger and very disputable question of some comprehensive league of nations for that separate and very deliberate consideration that its nature demands and that an act of Congress has already sanctioned.

After all, why such hurry? If a league of nations is a good thing, surely its merit will be the better appreciated after careful study. If the debate that preceded our Declaration of Independence raged for almost a decade before the Revolution; if the debate over the meaning of the Constitution as to the powers of the Nation and the rights of the States lasted for generations and is not yet ended; if a single phase of the debate over State and National rights occupied years, culminating in the immortal intellectual combat between Stephen A. Douglas and Abraham Lincoln; if every great question in every free country has required a long period of discussion and thought before the people could reach a conclusion upon it, should not this, one of the biggest, deepest, and most far-reaching proposals ever made to the American people, also receive careful and extended public examination before the people are called upon to render their verdict?

If a league of nations may not be a good thing, certainly the agitated days following a great war should not be seized upon to saddle the country with a policy it has not examined and which is no necessary part of the making of peace.

I, for one, am entirely ignorant of what the President means by a league of nations. The American people do not know. Our judgments must to-day be hypothetical. Conceptions of a league of nations range from a sort of world republic to a mere entente for certain purposes of the United States and our chief allies—something that need not necessarily cause alarm.

Some people speak of an international order founded upon justice and good faith as necessarily the antithesis of an international order founded upon power. The victorious allies have in this war placed invincible power at the service of justice and good faith. We have seen the glorious result. Where would justice and good faith and civilization be to-day if those powers had not leagued together to vindicate them? Are justice and good faith so sure to prevail in a heterogeneous, experimental league of all nations, hastily created now, that we are ready to surrender our national conscience to such a league? Can we create a league with a purer conscience or higher ideals than the one called into existence by the German attack? Wise policy, as opposed to shallow empiricism, would seem to counsel us to solidify and build upon what we have tried rather than to plunge headlong into a universal experiment.

Nor can we nurse every backward nation. The most we can do is to strive to give favorable opportunity to evolution. It may be that we shall have to guard against letting the phrase "self-determination of peoples" quite run away with us. Is the phrase always sure to possess an absolute merit that it lacked, for example, in America in the sixties?

One danger to the country is the extreme radical, the progressive who demands the millennium here and now and who is very intolerant of the views of others who may differ from him as to ways and means. The coequal danger is the danger of reactionarism. The path for America's true progress lies through the middle ground of a wise and sound liberalism. That middle ground has been vacated often by the political leadership of the day. I appeal particularly to Senators on this side and to Republicans generally to occupy and make their own that middle ground of constructive, wisely progressive, modernized policy that is called for by these great days. And I know that many of my Democratic colleagues feel this same appeal.

The discussion of a league of nations reveals two tendencies of thought, both of which seem to me to be dangerous, the one premature and the other out of date. One set of proponents of the league of nations idea in an extreme form seem to argue that a league of nations must be a universal one and must be made at once in order that the difficult geographical, ethnographical, economic, and other questions arising out of the war may be settled by it. Strange idea! The practicability of such a league in any thoroughgoing sense is, to say the least, most doubtful, if indeed it be not altogether chimerical at this period of civilization. Yet some advocates of that ideal would create their league offhand and would instantly confront it with vast problems of the utmost difficulty. Any league would be designed to prevent violent disturbances of the international status quo and to further adjustments and developments carefully worked out to foster an evolution along just, humane, and honorable lines, in the hope of forestalling those tensions between evenly balanced powers that make possible the most horrible wars. Not fiat, but higher civilization, will bring the millennium nearer.

We have now passed from a dangerous balance of power to a beneficent preponderance of power in the hands of the proved trustees of civilization. The English-speaking people and our principal allies formed a real league and they have enforced peace and saved civilization. This league we have stands ready to enforce the conditions of peace.

It may be doubtful whether we need any international courts in addition to the rusting machinery of The Hague tribunal. It may be doubtful whether we desire more comprehensive arbitration treaties than those negotiated with Great Britain and France in 1912. The text of that treaty shows a way in which great powers might safeguard their mutual peace in case of any mutual dispute. For the rest, an entente of those powers, with their preponderant power on sea, in air, and in the economic field, can stand ready, in their wise discretion, to take measures together, when they believe it their duty to do so, if the peace of the world is seriously threatened from any other quarter.

A universal league of nations which should be the arbiter of the international rights of each nation, if it were democratic—that is, based on world majority rule according to populations—or if it were based upon a formula taking both sovereignties and

populations into account, would have the power to impose upon the peoples most advanced in honor, justice, truth, enlightenment, and humanity—that is, in civilization—the judgment and the verdict of peoples less advanced.

Now, the conscience and temper of the American people, as we have just seen in this war, can impose upon them a great international task even without any treaty obligation to assume that task. Unless impelled by their own conscience and judgment it is more than doubtful whether any treaty could drive this nation to a foreign war. Is it not better, then, that the obligation we assume should depend upon our own judgment and the conscience of the English-speaking peoples and our present allies, rather than upon the judgment of some vast world league?

As to any practicable league, it must be fostered by the creation of a community of interest in peace and justice and good faith. Upon just this principle of the creation of community of interest, of self-interest in peace and welfare, rested the six-power policy in China which was so unthinkingly wrecked in 1913. Upon the same principle rested the "dollar diplomacy" that succeeded in bringing an unusual degree of peace and prosperity to the turbulent countries of the Caribbean Sea. If we perfect our diplomacy, with due practical regard to this common-sense principle, we shall enable it, I hope, by the gradual extension of the same principle to render great service to the world at large. Power in the hands of the defenders of civilization holds the best promise of an ultimate international order founded upon justice and good will, which all good men long to see.

Whether the question of some kind of league of nations shall really come before the Senate in connection with the peace negotiations, and, if so, in what form, is a matter involving the policy of our allies, as to which we are not yet enlightened. But we shall not waste our time if we now consider some of these possibilities, even in a form necessarily hypothetical.

Let us suppose, for example, that there should be proposed a permanent entente of the English-speaking peoples and of the French, Italians, and Japanese to enforce this peace; to consult together whenever peace was anywhere threatened, with a view to endeavor to maintain peace; to cooperate economically, each recognizing the other's leadership in its peculiar field, and to form a permanent committee for consultation on these subjects.

The question would then arise as to whether the United States should for general purposes join in or remain outside of such an entente. I think the day has gone by for the rejection on principle of any close association of this Government with governments of other countries. To dogmatize against any possible entente under any possible circumstances would be almost as unreasonable as to wish to rush headlong into some Utopian world league.

Washington referred to a "detached and distant situation" that no longer exists, as all know. He referred to the danger of a weak nation's becoming entangled with a powerful one. The questions we are considering will have to be decided by the application of present wisdom to present conditions, not by the easy misapplication of old wisdom to entirely new conditions.

Emerson truly said that—

Every law and usage was a man's expedient to meet a particular case; that they are all imitable, all alterable; we may make as good; we may make better.

With Britain dominant in the regions of India and the Near East and vastly interested in Africa; with Japan preeminently interested in the Far East; with France and Italy possessing acknowledged special interests in the Mediterranean; with the sphere of the United States conformed primarily to the regions affected by the Monroe doctrine, the relations of these powers afford excellent opportunity for mutual recognition of special interests and for honest mutual cooperation in sane economic and diplomatic policies. With their own accord safeguarded, it might be possible for such a group of nations to serve the world and the cause of peace and of civilization in a fashion to gratify all those who pursue a policy and not a fetish.

Suppose that it were proposed that the United States should bind itself in advance by treaty to go to war in given circumstances. Under the Constitution war can be declared only by the Congress. How could the President, by negotiating a treaty, and the Senate, by consenting to its ratification, bind this country to declare war? A declaration of war is, under the Constitution, a prerogative of the Congress. The appropriations to initiate or to conduct war are in the discretion of the Congress.

The Senate has always been jealous of its treaty-making function. When arbitration treaties have been before it, the Senate has steadily refused to consent to a treaty for the

arbitration even of justiciable questions, except in a form that would reserve to it the right to say yes or no to the question of the fitness for arbitration of each specific issue that might arise under any such general treaty.

How, then, could a President of the United States, even in conjunction with the Senate as a part of the treaty-making power, bind in advance the Congress of the United States to vacate its predecision, under the Constitution, of future questions of declaring or not declaring war; nay, more, to surrender to foreign nations their constitutional right to make that decision whenever it arises? Might not the annulment of so important a check upon war-making dangerously diminish the people's rightful control over that most momentous step—the declaration of war? I put this question merely in passing. It is one of many we have to consider; but it is the larger questions which now cry loudest for our earnest thought.

As between the proposition contained in my resolution that there should be a definite understanding for cooperation to defend civilization should the same necessity arise as gave cause for the late war on the one hand and the project of a supergovernment by some league of nations on the other hand, I quote from a series of lectures delivered at Oxford some years ago by W. A. Phillips, M. A.—

but it is none the less true that the new holy alliance, of which the pacifists dream, would be faced by very much the same problems as those which confronted Alexander and his allies. They, too, proposed to establish their international system on the principle of the preservation of the status quo—indeed, there is no other practical principle conceivable; they, too, would apply the principles of the Troppau protocol, by empowering the universal union, in the event of any State violating or threatening to violate the public law of the world, to bring it to reason "by peaceful means, or if need be by arms." Now, it might be possible that, as Sir Frederick Pollock points out, "contests for supremacy or predominant influence," which in their very nature can not be "disposed of by argument," might be effectually prevented by a coalition of powers of superior collective strength which "should be prepared to enforce the principles which now stand unanimously acknowledged by the second peace conference of The Hague."

This would, in effect, be to apply the principle which the grand alliance directed against France, that of a coalition ad hoc. But if an attempt were made to expand this coalition into "a universal union" and to base its action not on the exigencies of circumstances as they arise, not on the particular joint interests recognized by all the parties to it, but on the general right of the world organization to coerce its refractory members, what becomes of the sovereign independence of nations? Especially it would be the small States whose independence would be prejudiced; for though international law recognizes in theory the equality of all sovereign States, no international system which should attempt to translate this theory into practice would survive. If, on the other hand, the voting power of the central "directory" were to be proportioned to the size and importance of its constituent States, the result would be precisely such a hegemony of the great powers as was exercised by the grand alliance after 1815. Nor is it extravagant to suppose that the new holy alliance, thus constituted, would develop, *mutatis mutandis*, very much on the lines of the old. It would begin by repudiating the principle of intervention in the internal affairs of the constituent nations, only in the end to find itself compelled to intervene; for, in new forms, the old difficulty of drawing a sharp distinction between external affairs and "internal affairs having an external effect" would be sure to emerge.

The truth is, to cite Sir Frederick Pollock once more, that the effective working of an international federal system demands a far greater uniformity of political institutions and ideas among the nations of the world than at present exists. This truth was realized by the sovereigns and statesmen of the Holy Alliance, and they attempted to secure the necessary uniformity by forcing their own model on the European States, not primarily in the interests of despotism but in the supposed interests of the general peace of society. It has quite recently received a fresh and striking illustration in the attitude of President Wilson toward the revolution in Mexico and similar conditions in other Latin American States, an attitude developed logically out of the assumption by the United States, under the Monroe doctrine, of the duty of policing the Americas. Like the signatory powers of the Troppau protocol, he too demands "guaranties of legal stability and order" before he will recognize a *de facto* government; like them, he proposes to reconcile the guilty State to his system "by peaceful means or, if need be, by arms"; he differs from them only in his conception of what constitutes the guaranty required. The sovereigns of the Holy Alliance found this in the submission of the peoples to their governments *ab antiquo*; by President Wilson it is assumed to depend upon the will of the people "properly expressed and registered."

From the point of view of our present inquiry it matters not which conception of "legitimacy" be the more reasonable. The important thing is that for any international organization, whether dominated by a group of powers or by a single power, a certain uniformity of political system is essential, and that sooner or later this uniformity would be enforced by armed intervention. The moment of such intervention, moreover, will be determined always by the interests of the dominating power or powers. "This abyss of iniquities which we call politics," wrote the beautiful and unhappy Empress Elizabeth of Russia in 1817, "is vainly covered with a tissue of brilliant phrases, since it is easy for anyone of the least intelligence, whose heart is in the right place, to see through this tissue and recognize that, in spite of evangelical treaties, in spite of the reign of justice, it is always the weaker who are sacrificed to the interests of the more powerful." This was true enough when it was spoken; is there any reason to suppose that it is less true of the present age, or will be less true of the age to come?

These wise words remind us of the antiquity of the ideal of a league of nations to bring the blessings of sure and universal peace otherwise than through the slow amelioration of the heart and thought of man, the slow growth of a finer public

opinion, and the maintenance, meanwhile, of a vigilant preparedness to defend one's right. Some of the league of nations enthusiasts have referred to those who would look before we leap as being men who look backward. The truth is that these Utopians have looked backward for every idea they now so enthusiastically flash before the public eye. Their every idea and aspiration is as old as the Amphictyonic League, the "Grand Design" of Henry IV, the Holy Alliance of Alexander I. They have not coined a new phrase; they have coined a new human nature, and that coinage is to be scrutinized in the light of history. It did not pass in the past. Have we sound reason to believe it a safe currency to-day?

So long as you have national consciousness, so long will a nation fight for its life just as an individual will do if life is deemed more desirable than death. Even the most optimistic do not pretend to the blotting out of all war, even occasional civil war, but only to the lessening of international war, by international action. And even the forcible prevention or just decision of all international war, wherever and however arising, by a league of nations of which the United States was a member would presuppose the sending of American troops thousands of miles for some distant purpose perhaps of no great concern to American citizens. However small the force we sent, still some one's sons would be asked to die for a far-away cause of rather academic appearance.

I do not believe the American people would approve such an exigency. I should not wish to see this country signatory to an agreement which the American people would be likely to repudiate if put to the test. I should not vote for any treaty that subjected this Nation's judgment and conscience as to its vital interests or its war-making prerogative to the will of a foreign majority.

I think the American people—North, South, East, and West—believe in Americanism. I think they believe in nationalism as an instrument for good. I do not for one moment believe they would be willing to see this country ordered about by a heterogeneous world league of all nations. I do not think that, when they come to study the subject, they will be willing to go farther than a policy of nationalism a little mitigated and accommodated to a judicious and limited accord upon certain common mutual concerns, especially if that accord be first of all an accord of the English-speaking peoples, and, as it now is in fact, with our principal great allies for the firm enforcement of our war aims.

Bacon said, "As for the philosophers, they make imaginary laws for imaginary commonwealths, and their discourses are as the stars, which give little light because they are so high." As the Holy Alliance was falling apart Canning wrote with a very human breeziness, "Things are getting back to a wholesome state again. Every nation for itself and God for us all." Between dangerous pursuit of the ignis fatuus of the theorists and a stubborn reversion to the cynicism and selfishness of that intense national individualism which admits no duty to the society of nations there is a middle ground. There, I think, this great country should take its stand. Both within nations and as between nations this is the day of individualism modified by social consciousness. The problem is to sacrifice neither of those necessities to a high civilization, national and international.

If it prove wise for the United States to enter some definite entente, well and good, provided it be a small and natural one, bringing only limited and appropriate obligations. Any "league of nations" should await future exhaustive consideration. As I have already suggested, even without an entente, except for the unfinished business of enforcing and insuring our war aims, the United States can, without any "entanglement" whatever, place in advance at the service of the world's peace, if seriously threatened, the whole of its influence and of its potential power. This can be done, as I said, by a new declaration of some correspondence to the Monroe doctrine—a declaration that a menace to the liberty of Europe is a menace to America, and that America will consult her friends and prepare for action if ever such menace shall again arise.

I have said enough, I hope, to make this much clear:

First. That the issues of the war were issues between the central powers and the allies and ourselves. The function of a peace treaty is to settle those issues.

Second. The issues as to a league of nations and a revision of the laws of the seas are issues between the allies themselves and between them and each of them and all of the neutral powers.

Third. I have shown conclusively that upon these latter issues there exist the widest diversity of opinion, and I have concluded that it is wise not to force upon a conference that must

adjust the comparatively simple demands of the one the complexities and confusions of the other.

Mr. PITTMAN. Mr. President, I had no intention of discussing the subject the distinguished Senator from Pennsylvania [Mr. Knox] has just so ably presented. I had reason to believe that it would not be discussed to-day. I feel, however, that in view of the fact that this resolution is under consideration by the Foreign Relations Committee and possibly would have been acted upon to-day at its meeting had not its determination been put over until Saturday, the speech of the Senator would have been answered by the report of the Committee on Foreign Relations.

I am unwilling as a member of that committee to permit the view announced by the Senator from Pennsylvania to be considered for one moment as an expression of the view held by me as a member of that committee or even of a majority of the committee, because I am confident the committee will report adversely upon the resolution.

I regret that the Senator from Pennsylvania in the circumstances did not see fit to make his very able address after the Committee on Foreign Relations had had an opportunity of reporting on the resolution on the coming Saturday. At that time the resolution may be debated by those who are in favor of it and those who are against it, or possibly the resolution may be by the committee framed in a less obnoxious form.

I simply want to call attention to the fact that the resolution does not express the sentiments, in my opinion, of the Committee on Foreign Relations or the Senate, and certainly not the aspirations of the people of this country. The speech of the Senator with regard to a league of nations may or may not express the sentiments of this body; it may or may not express the sentiments of the people of this country; but of this I am sure—his resolution does not. The resolution has had no emphasis in the speech of the Senator. I desire to call attention to it. I call attention to the first "whereas":

Whereas the United States of America entered the war with Germany and Austria-Hungary in order to vindicate the ancient rights of navigation as established under international law and in order to remove forever the German menace to our peace.

I think that is a very unhappy and incomplete description of the causes that forced the United States into this war. I would dislike for the world to believe that such were the sole causes for our Government entering the war. Did we enter into this war for the pure and sole purpose of defending laws of navigation upon the high seas? Did we enter into this war solely to support some theory of international law, no matter how just? Yet the reading of the resolution that the Senator asks this body to adopt may be subject to that construction.

Not satisfied with such unhappy statement of the causes of war, in the second "Whereas" of his resolution, which is the foundation for his speech and for the suggested action of the Senate, he says:

Whereas the splendid effort of the American people and the valor of our soldiers and sailors during a year and a half, when added to the enormous sacrifices, the steadfast fortitude, and the noble courage displayed by our allies during more than four years, have made possible the attainment of those aims, now best expressed as restitution, reparation, and guaranties against the German menace.

Do we desire no guaranties against any other menace than German that may arise in the future? Having abated one epidemic, are we to make no preparations against another and different epidemic? Are those all the aims of this Government? Are those the sole aims of the American people? Yet the Senator says that those are the sole aims; in other words, according to the resolution the sole aim of the American people in this war is to sustain the right of navigation as established under international laws and to forever remove the German menace to our own peace.

I take it that the Members of this body have a higher conception of our peace aims. That which directly forced us into this war is one thing and that which we hope to derive from the peace agreement is another thing. The Senator from Pennsylvania is confusing in the minds of the people of this country and of the world the distinction between the causes for entering the war and the aspiration of a nation in making peace.

We entered the war because war was forced on us, because our rights were trampled on, because we were insulted, because civilization was threatened, because we would have deserved the ignominy of the world if we had not entered the war. But after entering the war, did we have no aspirations when peace would come other than restitution, indemnities, and the destruction of the German military power? Are we perfectly satisfied to end the war and have another war come the next year or the year after that? Do our aspirations for peace embrace no hope whatever of a lasting peace? Yet there is nothing in the resolution

of the Senator from Pennsylvania that breathes the spirit of a hope that the President of the United States has announced and that lives in the souls of the American people.

Do you think for one moment that the great spirit which inspired our magnificent Army to die by thousands upon the battle field was solely that of fear of German menace or desire for revenge? Do you not know that every soldier who, in his young manhood, in the bright years of his life, when hope was in his bosom, marched to certain death was sustained in that hour by the knowledge that he was giving his life for a better country, for a better world, and so that those who would follow him might not suffer what fate had compelled him to suffer?

The Senator from Pennsylvania states the cause of the war. How did the President of the United States state the cause of this war in his war message? He says:

The new policy has swept every restriction aside. Vessels of every kind, whatever their flag, their character, their cargo, their destination, their errand, have been ruthlessly sent to the bottom without warning and without thought of help or mercy for those on board, the vessels of friendly neutrals along with those of belligerents. Even hospital ships and ships carrying relief to the sorely bereaved and stricken people of Belgium, though the latter were provided with safe conduct through the proscribed areas by the German Government itself and were distinguished by unmistakable marks of identity, have been sunk with the same reckless lack of compassion or of principle.

I was for a little while unable to believe that such things would in fact be done by any government that had hitherto subscribed to the humane practices of civilized nations. International law had its origin in the attempt to set up some law which would be respected and observed upon the seas, where no nation had right of dominion and where lay the free highways of the world. By painful stage after stage has that law been built up, with meager enough results, indeed, after all was accomplished that could be accomplished, but always with a clear view, at least, of what the heart and conscience of mankind demanded. This minimum of right the German Government has swept aside under the plea of retaliation and necessity and because it had no weapons which it could use at sea except those which it is impossible to employ as it is employing them without throwing to the winds all scruples of humanity or of respect for the understandings that were supposed to underlie the intercourse of the world. I am not now thinking of the loss of property involved, immense and serious as that is, but only of the wanton and wholesale destruction of the lives of noncombatants—men, women, and children—engaged in pursuits which have always, even in the darkest periods of modern history, been deemed innocent and legitimate. Property can be paid for; the lives of peaceful and innocent people can not be. The present German submarine warfare against commerce is a warfare against mankind.

It is a war against all nations. American ships have been sunk, American lives taken, in ways which it has stirred us very deeply to learn of, but the ships and people of other neutral and friendly nations have been sunk and overwhelmed in the waters in the same way.

Compare that statement of the causes urging this Government to enter the war, and the bare, cold, brutal, technical statement urged by the Senator from Pennsylvania, which he asks this body to express as the causes that moved this country to enter the war.

Again, the President in the same message says:

The German Government denies the right of neutrals to use arms at all within the areas of the sea which it has proscribed, even in the defense of rights which no modern publicist has ever before questioned their right to defend.

And the causes that Congress knew so well were again enumerated by the President in his Flag Day address at Washington on June 14, 1917, when he said:

They filled our unsuspecting communities with vicious spies and conspirators and sought to corrupt the opinion of our people in their own behalf. When they found that they could not do that, their agents diligently spread sedition amongst us and sought to draw our own citizens from their allegiance—and some of those agents were men connected with the official embassy of the German Government itself here in our own Capital. They sought by violence to destroy our industries and arrest our commerce. They tried to incite Mexico to take up arms against us, and to draw Japan into a hostile alliance with her—and that not by indirection but by direct suggestion from the foreign office in Berlin. They impudently denied us the use of the high seas and repeatedly executed their threat that they would send to their death any of our people who ventured to approach the coasts of Europe.

And, again, in his war message, the President said:

There is one choice we can not make, we are incapable of making—we will not choose the path of submission and suffer the most sacred rights of our Nation and our people to be ignored or violated. The wrongs against which we now array ourselves are no common wrongs; they cut to the very roots of human life.

Again, we find the President, in defining the causes that forced us into this war taking the position that it was not alone the dispute over the right of navigation on the high seas but the right of nations to exist, and the right of peoples to govern themselves. He said:

We are accepting this challenge of hostile purpose because we know that in such a government, following such methods, we can never have a friend; and that in the presence of its organized power, always lying in wait to accomplish we know not what purpose, there can be no assured security for the democratic governments of the world. We are now about to accept gauge of battle with this natural foe to liberty and shall, if necessary, spend the whole force of the Nation to check and nullify its pretensions and its power. We are glad, now that we see the facts with no veil or false pretense about them, to fight thus for the ultimate peace of the world and for the liberation of its peoples,

the German peoples included; for the rights of nations great and small and the privilege of men everywhere to choose their way of life and of obedience. The world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty. We have no selfish ends to serve. We desire no conquest, no dominion. We seek no indemnities for ourselves, no material compensation for the sacrifices we shall freely make. We are but one of the champions of the rights of mankind. We shall be satisfied when those rights have been made as secure as the faith and the freedom of nations can make them.

The Senator from Pennsylvania attempts in his resolution to state the aims of this Government. The aims of this Government, according to the Senator, were apparently solely to defeat and dictate terms of peace to Germany. We were to defeat Germany and we were to allow other peoples to accumulate the same forces for the purpose of precipitating upon the world the same devastation; we were to defeat Germany and then we were to desert Belgium; we were to defeat Germany and then we were to desert Serbia; we were to defeat Germany and then we were to desert the Armenians and the other helpless peoples who could not continue to maintain their independence without sustaining power. So the Senator's resolution may be construed. The President of the United States has never used expressions that might be so construed.

If the Senator from Pennsylvania desires to speak the voice of this Senate, if he desires to speak the voice of the American people, let him copy in his resolution, as the causes of this war, the statements made by the President of the United States which resulted in a unanimous vote for war; which was indorsed unanimously, not only by the Congress of the United States but by all the people of the United States. If the Senator from Pennsylvania desires to include in any resolution a pronouncement of the aims of this Government and of its people in the making of a peace, let him quote the language of the President of the United States and he will not only receive the approval of the Senate but he will receive the approval of all the people of this country. He does not speak them. He should know that he does not speak them. He should know that he does not speak the sentiments of the Foreign Relations Committee; he should know that he does not represent the sense of the United States Senate. Is it by reason of such fear he speaks ahead of time? This country, however, will know, and Europe will know, and the great statesmen who will listen to the sound of the President's voice throughout the world will know that the resolution of the Senator from Pennsylvania will not be adopted. They will know that he does not speak for the Congress nor for the American people.

Does any Senator doubt that the President spoke the sentiments of the American people when he said:

Our object now, as then, is to vindicate the principles of peace and justice in the life of the world as against selfish and autocratic power and to set up amongst the really free and self-governed peoples of the world such a concert of purpose and of action as will henceforth insure the observance of those principles. Neutrality is no longer feasible or desirable where the peace of the world is involved and the freedom of its peoples, and the menace to that peace and freedom lies in the existence of autocratic governments backed by organized force which is controlled wholly by their will, not by the will of their people. We have seen the last of neutrality in such circumstances. We are at the beginning of an age in which it will be insisted that the same standards of conduct and of responsibility for wrong done shall be observed among nations and their governments that are observed among the individual citizens of civilized states.

There are the aims of the people of the United States expressed by their President. Those are the objects that we seek in peace, no matter what may have been the causes of war. The cause of war might have been the firing upon an American ship, but the object of peace is not alone to sink the ship that sunk ours. The peace aims and aspirations of our people can not be circumscribed by any reasons that forced them into war. But before leaving the last expression of the President, may I call attention to the language in which he describes there a league of nations—

to set up amongst the really free and self-governed peoples of the world such a concert of purpose and of action as will henceforth insure the observance of those principles.

The Senator from Pennsylvania speaks of a league of nations as though it were some corporation which each country must support with its money, which each Government must defend with its navy and with its army. Is there anything in any expression of the President of the United States from which that conclusion may be drawn? Is there no peaceful power behind a government that will enable it to punish wrongs? I say to you that the will, the determination, the attitude, the ostracism of the great civilized nations of the world of any criminal nation would have just as much power to drive it into the right channels as would all of the armies and navies of the world.

I am not arguing as to the character or kind of league of nations which should be instituted; the question has not come down to that. The President has not presented any particular form of a league of nations; no great statesman has presented

any particular form of a league of nations; but that there shall be concerted action between the great nations of the world to prevent precipitate and thoughtless war is the aim and object of all. When that is the aim and object of all, when that is the hope of civilization, when that is the hope of the American people, why should any great statesman of America stand here and, with a cynicism that must obscure argument, attempt to create the impression that it is impossible for nations to act in concert in behalf of a lasting peace? Is it accomplishing any good? Is that advice to the President of any benefit to him? Is that advice to the peace conference of any benefit to it? Is there a statesman connected with the peace conference, if he has the love of peace in his heart, if he has the love of humanity in his soul, who would listen to the hopeless argument of the Senator from Pennsylvania that it is impossible for nations to act in concert to minimize the occurrence of war?

Throughout his whole speech is there a hopeful word? Then, why is it made? Does anyone appreciate advice which simply says, "You can not do this; you can not do that," and yet tells him nothing that he can do toward accomplishment of that which all of the people of the world want done? Is it not time for this useless—yes, this harmful—advice to cease to be given in the United States Senate? Do you not know that under the Constitution of the United States the President, and the President alone, has imposed on him the duty to negotiate peace? The Senate can not negotiate it. The President can not surrender or delegate this power; he himself must negotiate treaties.

Oh, but it is said that, under the Constitution, the Senate of the United States may advise with regard to treaties. Advise what? They can advise that the negotiations be undertaken, but they can not advise the negotiation, because there is but one negotiator. They may advise that a treaty be entered into of a certain kind or character, but the Senate of the United States has no constitutional authority to advise the President as to the method of conducting such negotiation.

The Senator from Pennsylvania does not attempt to advise the President as to whether or not there shall be a league of nations. It is true that he discourages the hope that there may be one; but he says to the President, "Take that question up at some future time." I say there is no constitutional authority for the Senate of the United States to advise the sole negotiator of this country with regard to the method that he shall adopt or the procedure he shall follow with regard to those negotiations. Not only is it useless, but it is an attempted usurpation of the authority that the people of this country have vested in the President as the sole negotiator of treaties.

We must know that the adoption of the resolution can do no good. Can it do harm? Yes; it can do harm. You ask how can it do harm. Lloyd George, representing England; Clemenceau, representing France; Orlando, representing Italy, might think when the President of the United States says to them that the people of this country are more interested in everlasting peace than in anything else in the world that he does not speak for the American people. That is one way in which it may do harm. There is no doubt that Orlando and Lloyd George and Clemenceau agree with the President that there should be a concert of action, but, if they are led to believe that this country is opposed to that action now, they may oppose the President now.

How can you settle upon peace without the effect of that settlement reaching far into the future? Can you conceive of it? France and Germany settled upon peace after the Franco-Prussian war, and Germany took Alsace-Lorraine. Even Germany thus knew that the time would come, even if it were hundreds of years off, when France would right that wrong and take back to her bosom her own people. You can not make a peace to-day that will not have its effect to-morrow; and yet the Senator from Pennsylvania, in his practical statesmanship, would like to decree that Germany surrender territory and pay indemnities, and that the peace settlement should be considered then consummated. How can you ever settle the question until all of the rights that have been brought into question by this war are justly and fairly settled? You have got to settle the rights of Poland; you have got to settle the rights of Belgium; you have got to settle, not only the rights of Italy, but the rights of the Jugo-Slavs; you have got to settle, not only the rights of Poland, but of the Czecho-Slovaks; you have got to settle the conflicting and intricate rights of all of these and other peoples; otherwise, the peace that you are declaring now is but the establishment of a cause for future wars.

Is not that sufficient reason for taking these questions up now? Would anybody for one moment say that we will make a peace with Germany, Austria, and Turkey, leaving out of consideration the rights of all of these peoples? And if we are trying to take into consideration the rights of all of these

peoples who are involved, then it is solely on the ground of preventing future wars; and, if we are justified in doing this to prevent future wars, then we are justified in considering at this time a league of nations and every question that will minimize the occurrence of war in the future.

I think it is deplorable, I think it is the most unfortunate thing in the world, to hear a great statesman, a man who has been Secretary of State of this Government, one for whose opinions I, with all the rest of the Senate, have the very highest respect, devote his great talents to pessimism, to destruction, to obstruction, rather than to optimism, hope, and construction. Oh, if he should tell the President of the United States the character of concert of nations that would be accepted by him, if he would advise the President of the United States as to the character of a league of nations that would meet our constitutional requirements, if he should say to the President in these negotiations, "If you, Mr. President, will take this position, I believe that you can sustain it before all the world," ah, then the advice of the Senator from Pennsylvania would be of great benefit. He does not do that. He offers a resolution here which is destructive, which is obstructive, and which has not a word of construction in it. It is as cold as the North Pole. It is as barren of hope as hades. It is useful for no other purpose than the enjoyment of a technical discussion of the Constitution, while the souls of humanity weep for everlasting peace throughout the world.

I am not here to argue in favor of a league of nations. There is no league of nations proposed to-day. The President has not proposed it. He has proposed that there be a concert of action of these powers to prevent war in the future. That may be called a league of nations or an association of nations, or whatever it may be; and that question should be determined by the peace conference now. It should be determined while the brutal effects of war are fresh in the minds of the people of the world as well as those of statesmen. It should be determined now, when the necessity of concerted action is recognized.

The Senator says there was concerted action between these great allies. He says there was a league of nations between the allies and the United States that won this war. Yes; but that league of nations did not come into force and effect until the great moving cause that destroyed millions of human lives had gotten beyond the control of Governments. We want some such league of nations as that which won the war, but instead of having it to win wars, we want it to prevent wars. If nations may concert and league themselves together for the purpose of winning war, why in the name of reason can they not league themselves together for the purpose of preventing war?

The Senator's own argument has shown the possibility of it, and yet he finds a thousand little difficulties that may occur. He finds the same grounds for argument that anyone may find with regard to any great undertaking. When we entered this war some of our great statesmen said to the President: "You can not get your army to France; it is too late. You can not get them over there; you are not prepared to transport them, and when they get over there they will not be trained to fight." Was that not what they told the President and the country with the same pessimism and discouraging obstruction? These great statesmen said that the President was not prepared for war, that he was not prepared to take the men over there, and that they were not prepared to fight when they got there; but we got more than 2,000,000 men over there, and we got men there who were prepared to fight when they got there as no men ever fought, as all the world will admit to-day.

The same course is now apparently being pursued toward the President's efforts for a lasting peace. The President is trying to do something over there to-day, and they are busy here telling him what he can not do. Let the President alone. He knows more of constitutional and international law than even the great and distinguished Senator from Pennsylvania. He has been in closer touch with all of the conditions in Europe than the Senator from Pennsylvania or any other Senator upon this floor. His heart, his soul, his reputation, his whole life are in this consummation. With that incentive, with that motive, with his knowledge, and with his power let him perform his constitutional functions, and this war will be ended with a peace that we will be just as proud of as we are proud of the victory that was attained by our soldiers.

Mr. President, I have here an editorial from the Philadelphia Inquirer. While I realize that it is a Republican paper, it deals in a nonpartisan way with a nonpartisan subject, namely, a league of nations. I ask that it be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER (Mr. HENDERSON in the chair). Without objection, the editorial will be printed in the RECORD.

The matter referred to is as follows:

[From the Philadelphia Inquirer of Wednesday, Dec. 18, 1918.]

THERE MUST BE A LEAGUE OF NATIONS.

The Foreign Relations Committee of the Senate is about to pass upon a resolution offered by Senator KNOX, of Pennsylvania. This resolution opposes the coupling of the league of nations proposition with the consideration of peace treaties. It would postpone the whole subject until some later time.

We have no hesitation in pronouncing the Knox resolution to be mischievous in the extreme. The Senator is trifling with a most important matter. He is erecting barriers in the pathway of permanent peace, or at least an effort to secure permanence. To reject the league of nations idea is to uphold militarism—the continuation of secret alliances; the maintenance of vast standing armies. Unless the nations that have suffered from the insane ambition of German despots are prepared to prevent a similar outbreak in future, there can be no safety.

The United States entered the war—more than a year late, to be sure, but we entered it—not only to defend our rights but to destroy autocracy. To use the well-known phrase of the President, we wished to "make the world safe for democracy." We can not insist upon making the world safe for democracy unless we give of our best to bring it about. We can not stand aloof and leave it for other nations to do. That would be a selfish position to occupy. We can not trust our security to others. We must have a hand in world events. Unless we bear our full share of the burden and unless we join in a league to enforce peace, we shall see a return to old methods. Triple alliances and triple ententes and balances of power schemes have proved futile. The only safe organization is that of the important nations welded together with a determination to act in unity against any nation that shall hereafter attempt to start a world upheaval.

The time to enter into such an association is right now. A league of nations is the corner stone of peace settlements. With a league there can be a genuine reduction of standing armies. Without a league there can be no assurance of radical disarmament. Mere treaties can not be relied upon. Germany has proved the worthlessness of pledges when pledges stand in the way of inordinate ambition. Navies must be kept up. They are largely defensive in nature. Neither England nor the United States would consent to a reduction of naval strength. But the pure militarism of vast armies trained for the definite purpose of menace can and should be restricted. But they will not be unless the treaties of peace are founded upon a league that will see to it that they are.

We do not pretend to say that war positively can be prevented, but we do insist that a league of nations offers the most promising preventive. What is more, we assert our belief that if there is to be such an organization, it should be created—not at some indefinite time in the future, but before the peace terms are written into treaties.

Senator KNOX's resolution is obstructive, and we have no patience with it.

CALLING THE ROLL.

Mr. ASHURST. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---------------|------------------|--------------|--------------|
| Ashurst | Johnson, S. Dak. | New | Smith, S. C. |
| Beckham | Jones, Wash. | Norris | Smoot |
| Brandegee | Kellogg | Nugent | Spencer |
| Chamberlain | Kenyon | Overman | Sterling |
| Culberson | Knox | Penrose | Sutherland |
| Curtis | La Follette | Phelan | Swanson |
| Dillingham | Lenroot | Pittman | Thomas |
| Fletcher | McCumber | Polindexter | Thompson |
| France | McKellar | Pollock | Townsend |
| Gay | McLean | Pomerene | Underwood |
| Gerry | McNary | Ransdell | Vardaman |
| Gronna | Martin, Ky. | Sheppard | Walsh |
| Hardwick | Martin, Va. | Sherman | Watson |
| Henderson | Moses | Simmons | Weeks |
| Johnson, Cal. | Nelson | Smith, Ariz. | Wolcott |

Mr. SUTHERLAND. I desire to announce the absence of my colleague [Mr. GOFF] on account of illness.

Mr. McKELLAR. I wish to announce the absence of the senior Senator from Tennessee [Mr. SHIELDS] on account of illness.

The PRESIDING OFFICER (Mr. GERRY in the chair). Sixty Senators have answered to their names; there is a quorum present.

THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12863) to provide revenue, and for other purposes.

Mr. SIMMONS. Mr. President, on yesterday, toward the close of the day, we reached the subject of tax on employment of child labor, and the Senator from Georgia [Mr. HARDWICK] asked that it go over until to-day. I suggest that we take up that subject first for consideration.

The PRESIDING OFFICER. Without objection, that will be done.

The SECRETARY. On page 244, after line 14, it is proposed to insert the following: "Title XII.—Tax on employment of child labor."

The PRESIDING OFFICER. The amendment has been stated heretofore.

Mr. HARDWICK. Mr. President, it is not my purpose to address the Senate at any length on this question, nor to do anything except to make an earnest appeal to Senators who are about to vote on a great question.

Some time ago—in 1916, I think—the Senate passed a bill, in the identical language of this amendment, undertaking to prohibit the transportation of the products of child labor through the channels of interstate commerce. At that time several Senators, including myself, made an earnest appeal to the Senate not to enact the proposition, because we contended that it was a clear violation of the reserved rights and powers of the several States. The Senate was patient with us, and heard us at length on the question. The matter was thoroughly debated and thoroughly thrashed out. I think the proposition was well argued from both standpoints; but it was the judgment of the Senate that the bill which had already passed the House of Representatives was constitutional and valid and ought to become the law of the land. Consequently, the bill passed, was signed by the President, and went to the Supreme Court of the United States finally for test, because some citizen of North Carolina, when an effort was made to enforce the law against him, urged that it was invalid and unconstitutional, and carried the question to the courts. When it reached the Supreme Court of the United States that court, in a well-considered opinion that I will incorporate in my remarks, decided that it was invalid and unconstitutional; that the Federal Government had no right and no power to prescribe what should be the hours of labor and the terms of employment of the citizens of the several States within the limits of those States, respectively.

Mr. President, the question was fairly raised, and it was fairly decided. The power of Congress was denied in toto by the highest court of our land in regard to this proposition. Now we are presented with exactly the same proposition, and in no different manner, except that it is proposed that Congress shall do what the Supreme Court of the United States had decided we had no right even to touch, by means of a tax levy on the products of this particular kind of labor, instead of as a regulation of interstate commerce.

I am very well aware of the decisions—if I had known certainly that this matter would be up here this morning I would be prepared to lay them before the Senate—with respect to the oleomargarine matter, and with respect to the tax on State banks; but it must be remembered that neither one of those decisions, when they are carefully understood and when they are carefully analyzed, involves the proposition that in laying the tax Congress undertook indirectly to act without regard to other provisions of the Constitution and to assert a control over the domestic and internal affairs of a State by the use of taxation. That was not true about the oleomargarine proposition. There the confessed purpose, the real object of the legislation, was to put oleomargarine out of business in the interest of the dairymen of the country; and while there is this question that is identical between that proposition and this—namely, that the tax was not levied in that case, as it is not levied in this case, for the real purpose of raising revenue—the courts did decide that they could not go behind the certificates of the presiding officers and into the purposes and reasons which induced Congress to enact particular legislation, and therefore could not hold the tax invalid, under the broad taxing powers of the Government. But it does seem to me, Mr. President, that when we not only exercise the taxing powers of the Government, not for the purpose of raising revenue at all but for the express purpose of doing indirectly something that the highest court in the land has decided with respect to this very matter and with respect to this identical language that we can not do directly in the form of a bill, it can not be expected that the decision of the court will be very different when this question is presented there for settlement again, as it probably will be if we take this action.

When addressing a body of this kind, containing so many eminent lawyers, I would feel that I was trespassing unduly on the patience of the body if I undertook to read these decisions in line and word and go into an extensive argument. I think we know that we are undertaking in this bill and by this action to do precisely what we tried to do three or four years ago and what the courts of the country, the Supreme Court of the United States, decided we had not the slightest power or right to do. We are not expecting to raise any revenue from this proposition. We are not expecting to do anything except to assert the Federal power by this indirect and unjustifiable method over a matter and over domestic concerns to which it does not and can not relate. That is the situation.

There has been a great deal said about the moral sentiment that is back of this.

Mr. KENYON. Mr. President—

Mr. HARDWICK. I yield.

Mr. KENYON. I do not know whether the Senator is about to get away from it, but before he gets to the moral question,

was the Senator in Congress at the time the phosphorus-match legislation was enacted?

Mr. HARDWICK. Yes; the Senator from Georgia was then a Member of the House.

Mr. KENYON. Did not the Senator vote at that time in the House that the power might extend?

Mr. HARDWICK. No, sir; I opposed it and voted against it. My recollection is that I opposed it on the ground that Congress did not have power in that case; but, as the Senator very well knows, the principle is very different about that matter from what it is here.

Mr. KENYON. It was stated at that time, was it not, that the purpose of it was entirely moral, to get rid of a dangerous situation and not for the purpose of revenue?

Mr. HARDWICK. The difference between that matter and this, if the Senator will permit me, is that there was something that might be inherently dangerous in the character of the article transported and we might regulate it. I think the courts finally put it on the ground of interstate commerce, because if there is anything inherently dangerous or inherently wrong in the article transported per se then the power of Congress attaches. But here there is no such principle—

Mr. KENYON. Take the oleomargarine cases. There was nothing inherently dangerous in the coloring of oleomargarine. Does not the Senator admit that Congress has power to tax these matters out of existence, provided it does not strike down some fundamental right protected under the Constitution?

Mr. HARDWICK. No; I do not admit that. That is the very thing I am saying. I have not the slightest doubt about the power in the oleomargarine case nor in these other cases, because in each one of those instances which the Senator has in mind the taxing power of the Constitution did not come in conflict with other equally potent and other equally valid provisions of the Constitution.

Mr. KENYON. Of course, the Supreme Court said in the oleomargarine cases that the taxing power probably could not be used to strike down some fundamental right.

Mr. HARDWICK. In other words—

Mr. KENYON. But the right to produce certain articles with child labor is not any fundamental right.

Mr. HARDWICK. No; but it is the right of a State in this Union to regulate its own domestic and internal concerns, and our people more than any others cling to this right, and you strike at the fundamental right of every local community of this Republic when you undertake to do it.

Mr. LENROOT. Is there not this distinction: Is not the fundamental right that is spoken of in the oleomargarine case the fundamental right of a taxpayer to do business irrespective of the permission of the State? In other words, in the oleomargarine case the court held that the Congress had the right to prohibit that thing which was properly within the taxing power of Congress because it did not interfere with the fundamental rights which were given the State.

Mr. HARDWICK. No; the proposition is this. I think I can state it so that no lawyer will dispute it. First, the taxing power of the Congress is plenary and complete and will not be questioned on any ordinary ground or for any ordinary reason. Yet that is only one of the constitutional powers. It is only one of the Federal powers, and you can not exercise that power in such a way as to utterly destroy and entirely abrogate other provisions of the Constitution of the United States. No court has ever held that Congress could do that. That is what I am saying in this case, that the trouble about this proposition as a matter of law is that in the exercise of the taxing power you undertake to utterly negative and utterly deny and utterly destroy other equally valid powers under the Constitution. The proof of that is that in respect to this very matter the courts have held that we have no right whatever to regulate it.

Mr. LENROOT. Will the Senator allow me?

Mr. HARDWICK. I yield.

Mr. LENROOT. May I ask the Senator what is the fundamental right that he thinks will be destroyed by the exercise of this power?

Mr. HARDWICK. I thought I had just stated it.

Mr. LENROOT. I did not hear all the Senator's remarks.

Mr. HARDWICK. I said the fundamental right involved under our form of government is that each State in this Republic has the right and the power, absolute and exclusive, to control for itself and according to its own will the conditions and terms of child employment or man employment or woman employment or any other and all other domestic and internal affairs and concerns within that State.

Mr. LENROOT. May I ask the Senator whether he can produce any authority which holds that that kind of a right is a limitation upon the Federal taxing power?

Mr. HARDWICK. If the Senator will read the child-labor decision—

Mr. LENROOT. No; in this case.

Mr. HARDWICK. I am afraid I never will be able to agree with the Senator in that case. We undertook there under the commerce clause to say that these articles should not be transported through interstate commerce at all or enter into interstate commerce unless the people engaged in labor in the several States of the Union were required to conform to certain standards of conduct which we fixed. The Supreme Court of the United States said, strange as it may seem in this day and time, that one of the fundamental rights in this country still left was the right of each State in this Republic to regulate its own domestic and internal concerns, to decide what hours of employment and what conditions of labor should control within the limits of the State.

Mr. LENROOT. Will the Senator allow me again?

Mr. HARDWICK. I yield.

Mr. LENROOT. It was not the fundamental right of the State or the fundamental right of the taxpayer, because there was nothing in the child-labor decision to the effect that it is a pure and fundamental right of the individual to employ child labor.

Mr. HARDWICK. Undoubtedly; I see what the Senator means. There is no trouble about that. I am making the complaint that this legislation is in violation of the fundamental right of the individual citizen or taxpayer, and I say it is utterly invalid and can not be supported, because it undertakes to do something in this indirect way that we have no right to do, because it is against the fundamental right of the States and the fundamental right of local communities of the State.

Now, I am going to ask permission before I conclude to have the text of these decisions incorporated in my remarks. I shall quote from them when I do extend my remarks. I am sorry this is brought up at a period when I have not the decisions at hand. I am going to put in the opinion in the oleomargarine case and, I think, in the State bank case.

But there is no need of continuing the legal argument on the amendment. I think we all know what the decision was. We fought it out here through weary weeks and months, and it was decided fairly on its merits.

Mr. KENYON. The decision was four to five.

Mr. HARDWICK. That may be true, yet that same statement could be made about almost every important decision that has been made recently by the Supreme Court of the United States. They nearly always divide on these great questions, but the decision of the court is the controlling thing and it ought to be controlling with us.

The proposition I come to next is this: We have heard a great deal in the debates on this question, protracted during a great many years here and throughout the country, about the moral side of it, the moral sentiment that is back of it. We have had a great deal of such talk, some of it, I reckon, perfectly honest, perfectly sincere; most of it, it may be. Some of it, in my opinion, is more or less selfish and inspired by motives that would not bear too careful a test, but the effect of that argument and that sort of talk about the moral sentiment fails. I want to appeal to Senators on both sides of this Chamber, because it is no partisan question at all about the morals of undertaking to do in this way what the highest court in our country has decided we have no power to do at all. What about the right of an individual Senator to vote in this bill the exact language of an outlawed proposition under the guise and pretext of raising revenue for the Government? No Senator can for one moment contend, or for one second believe, that that is the purpose of it or the intent of it, or the reason for it is to raise revenue for the Government.

There is a good deal of morals involved in this. If we are bound by the decisions of our courts on questions of constitutional law and if the courts have decided solemnly and formally that we have no right in this forum to regulate as a national question the employment of child labor in the several States of this Union, then what Senators can say or ought to say is that we can accomplish precisely the same purpose by levying a tax upon it so heavy as to do indirectly what we can not do directly.

Now, that is the question. It is a naked one, and I present it here nakedly. We can do it if we want to do it, I reckon. I do not think the court will sustain it if we do it; but, of course, each Senator will be his own judge in that matter and cast his own vote according to his own judgment.

But, Mr. President, it does seem to me that each Senator ought to have some hesitancy, some doubt, no matter what his position was on the question originally, about undertaking to do in this indirect manner exactly and precisely what has been decided on this identical issue to be beyond the power of Congress to do,

When we were sworn in each of us swore to support and defend the Constitution of the United States against all enemies, foreign and domestic. Are we to violate our oath in a technical manner? Are we to stand here and vote for legislation that we know has been decided to be beyond the authority and power of Congress simply because we believe that the courts will say that this being a taxing question it is not within the power of anyone to raise that question in the court? I do not think we ought to do it. For one, I can not do it, and for one, I have no doubt if we do it the Supreme Court of the United States will again decide that it is unconstitutional and invalid, otherwise the taxing power may become the Frankenstein which will utterly destroy all other constitutional powers and limitations, and will finally change both the form and substance of the government, after devouring the Constitution itself.

Mr. LENROOT. Mr. President, I did not hear all the Senator's argument, but I wish to ask him in view of the distinction that he attempts to make between the oleomargarine case and this case, what distinction he makes in the bank-tax case?

Mr. HARDWICK. Between that and the oleomargarine case?

Mr. LENROOT. Yes.

Mr. HARDWICK. There is no difference.

Mr. LENROOT. The difference is that in the oleomargarine case, as I understand it, each State has the full right to regulate. In the case of oleomargarine we might have prohibited the transportation of interstate commerce through a regulation of commerce, and therefore the tax could be sustained. Am I correct as to his contention?

Mr. HARDWICK. Yes. They held in the oleomargarine case, as I recall the decision—I have not read it very recently—that, although the real purpose of the bill might not be to raise revenue, the court could not inquire as to that, and would sustain the tax.

Mr. LENROOT. How does the Senator distinguish between the decision in the State bank case and this?

Mr. HARDWICK. That is easy enough. In the case the Senator refers to the real purpose of the tax might have been to unify the system of Federal banking under the Constitution of the United States, and it would not have been violative of any State provision.

Mr. LENROOT. The Senator will recollect that the opinion in that case puts the two propositions upon distinct and independent grounds. It placed the constitutionality of the tax solely upon the taxing power of Congress, irrespective of any consideration the Senator now presents.

Mr. HARDWICK. While that is true, neither in the bank case nor in the oleomargarine case was there this necessary conflict over the power of the State to make its local regulations effective upon all its citizens concerning its own domestic and internal concerns alone involved, according to my understanding of those two decisions.

Mr. LODGE. Mr. President, I do not desire to detain the Senate more than a few moments on the amendment now pending, but as I happened to be one who moved in the committee the adoption of the amendment of the Senator from Ohio [Mr. POMERENE], I think I ought to say something in regard to it and my reasons for so doing. I have been very deeply interested in the question of child labor for a great many years. I introduced the first bill here for the protection of child labor in the District of Columbia, and I have always sought for legislation on that subject.

I am not going to argue the details. It is a great evil. The States have had ample and abundant opportunity to deal with it themselves. Most of the States have; some have not. I think it is something that ought to be ended.

Congress passed the bill for that purpose by a large majority. That form of legislation has been held unconstitutional by the Supreme Court, and therefore it would seem to me that our only resort is to the taxing power. I am no fonder of resorting to that power for this purpose than anyone else, but the Government of the United States has resorted to it in more than one case. In the lottery cases it was not a taxing power, but exclusion from the mails, but the court dwelt on the justification of the action of Congress very largely on account of the ethical question involved, that the lottery was against public policy. We used it in the oleomargarine cases. We used it in the bank cases, which I am sure the Senator from Wisconsin [Mr. KELLOGG] will show better and more fully than I can to the Senate.

It so happened that some years ago I carried through a bill, which became a law, to exterminate by the use of the taxing power the manufacture of white phosphorus matches, which produced hideous diseases among the workers. The bill failed in one Congress and passed in the next. I think the constitutionality of that law has never been questioned.

The amount of revenue to be raised by this measure may be little or nothing. The main purpose is to put a stop to what seems to be a very great evil, and one that ought to be in some way put a stop to. If we are unable to reach it constitutionally in any other way, then I am willing to reach it by the taxing power, which the courts have held can be used constitutionally for such a purpose. I see no other way to do it.

It seems to me that we are justified in using the taxing power for that purpose. It is a constitutional, but extreme method, I readily admit. I think we are justified in it by the fact that the police power of the States has failed to regulate it as it should be regulated.

It was for these reasons, Mr. President, that I moved the insertion of this amendment, which was adopted by the committee by a large majority.

Mr. HARDWICK. Will the Senator yield?

Mr. LODGE. Certainly; but I am about through.

Mr. HARDWICK. I shall not keep the Senator very long; I have been very much interested in the Senator's statement. I was wondering where his doctrine would lead. If the Senator feels that the police power of any one or more States was not exercised in a way to conform to the Senator's judgment, if it were possible to do so, the Senator would not hesitate to constitute the Congress as a final judge of the matter, whether they had been properly exercising it or not and would use the taxing power to carry out his own ideas?

Mr. LODGE. It is not a question of my own ideas.

Mr. HARDWICK. I am asking the question in all sincerity. Would not that sort of doctrine utterly destroy the right of the local community to regulate its domestic concerns?

Mr. LODGE. I say we ought to do it as little as possible.

Mr. HARDWICK. It is a very dangerous doctrine.

Mr. LODGE. I admit that it is a dangerous power to use, but I think cases have arisen where it is less dangerous to use the power than to neglect the evil. I think there is very much better and stronger ground for this legislation than there was for the oleomargarine legislation. It is the fault of the States themselves. I am as much opposed as anyone to the absorption of State powers by the Federal Government. The fact that that is proceeding as I think in very many cases to a very unfortunate limit is owing to the fact that the States have failed to exercise their powers. There has been, more than that, a disposition in the States to throw all sorts of things on the Federal Government, to turn to the Federal Government instead of attending to it themselves. I wish the States would be more alive to their own rights and duties under the Constitution than they have proved themselves to be. But when they leave us after years with a very great evil like this, as I believe it to be, in existence I think there is no choice left for Congress unless it is ready, as I said, to neglect it and allow it to exist without touching it, except to deal with it in that way.

Mr. SMITH of South Carolina. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Certainly.

Mr. SMITH of South Carolina. Is it not a fact that the conditions which have brought about this proposed legislation were the conditions existing or supposed to exist in the great manufacturing States, and is it not a fact that in the last few years practically every manufacturing State in the Union where child labor has been more or less employed has had progressive legislation on its own initiative on this very question looking toward the very end that this legislation is looking to? Take South Carolina, for instance. Compare the child-labor law of South Carolina with the pending measure. Yet the State was maligned and misrepresented by some of the individuals who, I suppose, were hunting employment and wanted to create some kind of a sensation in order to show themselves great philanthropists and uplifters. In my State that law is enforced, and it is infinitely better than this. Yet I suppose my State was one of those that was pointed out as being one of the great sinners against pure, innocent childhood.

Mr. LODGE. Mr. President, I have not examined the very recent laws of the State, but if the State has made adequate laws of course it will be in no wise affected by this legislation; it will interfere in no way with their industries or their economic policies; but if the evil does exist anywhere then this law will, in my judgment, be highly beneficial.

Mr. SMITH of South Carolina. Mr. President, I want to say just a few words in extension of what I have said. I have been amazed here on the floor of the Senate to see men, when questions come up in which is involved the right of the State under our dual form of government, lend themselves to what they know is absolutely destructive of our present system of govern-

ment and contributing just as rapidly as possible toward a centralized form of government that means a disruption of our present system.

The question of woman suffrage has been discussed here and it has been defended on the ground that it is the bedrock upon which our conception of democracy rests. The right of self-determination and the right of local self-government rest fundamentally upon the proper exercise of the franchise by the political unit that is concerned, because it goes without saying that the very moment you modify the right to exercise sovereign power you cease to be sovereign.

This is one of the rights granted or reserved to the States. The Supreme Court has said it is unconstitutional. Some of those who have opposed woman suffrage on the ground that it is violative of the principles of our Government come here and, in the face of the decision of the Supreme Court hardly dry on the books, seek by a subterfuge unworthy of a Senator and of a great legislative body to bring about the very thing that the supreme judicial power of this country has said is violative of the principle that we stood at that desk and swore to uphold.

The Senator from Massachusetts said it would not affect my State. I would be unworthy of standing on the floor of the Senate if I only advocated those things that would help South Carolina and opposed things that would not. I am glad that South Carolina will not be affected by it, for then I will not be charged with opposing it, because my State might suffer if it becomes a law. I am opposing it because I do not believe we have any right either in morals or in law to violate the very fundamental principle of the Constitution. The logic of events is centralizing fast enough without lending ourselves to the centralizing force.

I for one will vote against it not because I am not as much in favor of protecting children and granting them the full enjoyment as far as may be of the kingdom of childhood, but I am voting against it because I believe each and every State is better qualified to determine under what conditions the children under their jurisdiction shall live than the Congress of the United States.

South Carolina is better able to know the condition of her children than the State of Washington knows of South Carolina, and I warn the Senate now that these encroachments and these raids on our form of government are coming thick and fast, and we will wake up after a while to find that the splendid system of government that makes our liberty possible has passed away and we are a great centralized socialistic body without the power of self-determination in any local form whatever.

Mr. OVERMAN. Mr. President, the Senator from Massachusetts [Mr. LODGE] very frankly admits that the purpose of this provision is to nullify a decision of the Supreme Court of the United States. This bill is entitled "A bill to raise revenue"; that is stated as its purpose. I want to ask my colleague if this provision was inserted for the purpose of raising revenue? Was it the desire of the committee to raise revenue when they incorporated this provision in the bill?

Mr. SIMMONS. I can only say to the Senator that I do not think there was any estimate made as to the amount of revenue that would be raised by it.

Mr. OVERMAN. The Senator from Massachusetts was very frank in his statement. He said it was inserted to nullify the action of the Supreme Court.

Mr. LODGE. Oh, no. I beg the Senator's pardon. I did not say that.

Mr. OVERMAN. In effect the Senator said that. If the Senator please, he said that the Supreme Court had declared the child-labor law unconstitutional—

Mr. LODGE. I have not questioned that.

Mr. OVERMAN. Just a moment—and that this provision will be inserted in the bill, and the taxing power is to be used to nullify an opinion of the Supreme Court, in which it stated that the act was unconstitutional.

Mr. LODGE. It was to reach the same object in a constitutional way.

Mr. OVERMAN. I ask the Senator if the effect would not be to nullify that opinion?

Mr. LODGE. It would nullify the practical effect of the decision, but not its legal validity.

Mr. OVERMAN. It would nullify it so far as its practical effect as a law is concerned, and there is no estimate as to this provision for raising revenue.

Mr. SIMMONS. I can only make the statement to my colleague that there was no estimate presented to the committee as to the amount of revenue which would be derived from it; and I do not think anyone suggested that any would be derived.

Mr. OVERMAN. Did the committee expect that any revenue would be raised by it?

Mr. SIMMONS. I do not know what the members of the committee expected, but I have heard no one suggest that any revenue would be raised by it.

Mr. OVERMAN. Frankly, does my colleague think that any revenue will be raised by it?

Mr. SIMMONS. My individual judgment is that no revenue will be raised by it.

Mr. OVERMAN. Mr. President, we have before us a taxing bill here for the purpose of raising revenue, and we have the chairman of the Committee on Finance frankly admitting that this provision was put into the bill for the purpose of raising revenue when no revenue is expected and no revenue was estimated to come from it. We have the learned Senator from Massachusetts, in effect, saying that the provision is put in here for the purpose of nullifying the decision of the Supreme Court of the United States.

Mr. President, in reference to the oleomargarine case and the Veazie case, I ask upon what grounds did the court decide that the questions therein decided were constitutional, when it was admitted here in the Senate during its consideration that the provision inserted was not for the purpose of raising revenue? The Supreme Court said they could not go behind what the bill purported or was in the mind of Congress; but they went on and said that the question of constitutionality ought to be left with the conscience of each Senator.

There are three grand divisions of this Government—the executive, the legislative, and the judicial. When the judiciary, the Supreme Court of the United States, says that a law which we have passed through Congress providing for the same thing as this provision is unconstitutional, and members of the committee say that this provision is put into the pending bill for the purpose of avoiding that decision, I say that morally it is wrong, and, in my judgment, the Supreme Court will declare it to be unconstitutional.

In the oleomargarine case (195 U. S., 55) the court says in reference to this matter of the division of this Government into three departments, that each branch of the Government ought to receive from the other branches due consideration. The opinion states:

It is believed to be one of the chief merits of the American system of written constitutional law that all the powers intrusted to the Government, whether State or National, are divided into the three grand departments—the executive, the legislative, and the judicial; that the functions appropriate to each of these branches of Government shall be vested in a separate body of public servants, and that the perfection of the system requires that the lines which separate and divide these departments shall be broadly and clearly defined. It is also essential to the successful working of this system that the persons intrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to others, but that each shall by the law of its creation be limited to the exercise of the powers appropriate to its own department and no other.

Mr. President, I have read this extract from the oleomargarine case itself, this statement that we, as Senators, ought not to encroach upon the judiciary or upon any other department of the Government. It is wrong in morals if we do so; and yet this is done, according to the Senator's admission here and the statement by the committee itself, for the purpose not only of encroaching upon the rights of the Supreme Court but in order to nullify its decision. The power to tax is the power to destroy; and when the Senate of the United States goes out of its way to interfere with another great branch of this Government, and it appears in the Record—and I suppose the Supreme Court will read this Record—that it is done for that purpose, that court is not going to uphold this section.

It was a taxing power which was discussed in the oleomargarine law; but it, too, was a revenue bill, and the court would not go behind the law, because they took it for granted that Members of Congress passed the law for the purpose of raising revenue, and they could not go behind that. But here is an admission that this is not done for the purpose of raising revenue; that it will not raise revenue; but that it is for the purpose of destroying the decision of the Supreme Court.

Mr. KELLOGG. Mr. President—

The PRESIDING OFFICER (Mr. McKELLAR in the chair). Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. OVERMAN. I yield.

Mr. KELLOGG. The Senator does not claim that there are not any number of precedents where Congress has passed laws imposing a tax where there was no expectation that such laws would yield revenue?

Mr. OVERMAN. I have just stated that Congress has passed such laws.

Mr. KELLOGG. Congress passed a 10 per cent tax on the issues of State banks.

Mr. OVERMAN. I have just stated that Congress had passed such laws, the constitutionality of one of which was involved in the Veazie case and another in the oleomargarine case; but I gave the reason why they declared those acts constitutional.

Mr. KELLOGG. The Senator from North Carolina would not claim that, if oleomargarine is a legitimate subject of commerce, the Federal Government could prohibit its manufacture in the States? The Senator does not claim that?

Mr. OVERMAN. No.

Mr. KELLOGG. But Congress can levy a tax upon it.

Mr. OVERMAN. Congress can levy a tax against it and destroy it.

Mr. KELLOGG. Very well.

Mr. OVERMAN. Congress can levy a tax and destroy it if it wants to do so, but Congress can not go out of its way to nullify a decision of the Supreme Court when it is clear that such is the purpose of the law itself. Does the Senator from Minnesota think it can do so? Does he think that this Congress, upon the ground of morals alone, can take advantage of a taxing law to nullify a decision of the Supreme Court of the United States?

Mr. KELLOGG. I think Congress is the judge of whether the taxing power should be imposed or not. If the effect is to nullify a decision of the Supreme Court, and it is legal, Congress is the one to judge of that, of course.

Mr. OVERMAN. What is the object of a revenue bill? It is to raise revenue. Now, I ask the Senator if the object is not to raise revenue but to destroy the decision of the Supreme Court in morals, is that correct?

Mr. KELLOGG. I think it is perfectly correct; it is as correct as it was in the case of the State banks. In that case it was done to prevent the States from issuing money and not for the purpose of raising revenue.

Mr. OVERMAN. There is no decision of the Supreme Court involved in that case. I put the case to the Senator. If the purpose of this provision is to nullify a decision of the Supreme Court, a coordinate branch of this Government, and not to raise revenue, in morals is that the right thing to do?

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield; and if so, to whom?

Mr. OVERMAN. I have yielded to the Senator from Minnesota [Mr. KELLOGG]. Later I will yield to the Senator from Ohio.

Mr. KELLOGG. Mr. President, I think the decision of the Supreme Court is placed upon the ground that Congress had no power to prohibit a State from manufacturing a certain article purely in intrastate commerce, but that the same object could be obtained by levying a tax—which is clearly within the constitutional power of Congress—and that there is nothing immoral about doing it.

Mr. OVERMAN. The Senator from Minnesota has not answered my question. I asked him if it were right in morals for Congress, a coordinate branch of the Government, to include in a taxing law a provision to nullify a decision of the Supreme Court of the United States when that was done for the purpose of nullifying such a decision and not for the purpose of raising revenue?

Mr. KELLOGG. I think I answered the Senator's question. I say that I think if the tax imposed is within the constitutional powers of government it is for Congress to decide and not for the courts.

Mr. OVERMAN. Yes; it is for the Senator from Minnesota and for me to determine now whether it is right in law or not. The Supreme Court of the United States says in its opinion that we are the judges of it. I admit that under the oleomargarine case or the Veazie case, this being a bill to raise revenue, and nothing else, that, as the Supreme Court says, we can levy a tax which will destroy; no matter what it does, they can not go behind what Congress has done to ascertain the purpose of it; but here is an admission upon the floor of the Senate that the committee inserted this provision for the purpose of nullifying the decision of the Supreme Court of the United States.

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Ohio?

Mr. OVERMAN. I yield.

Mr. POMERENE. Mr. President, the Senator from North Carolina now admits that we have the taxing power to deal with this subject—the taxing power to raise revenue. That being admitted, the Senator has admitted his entire case away,

for the courts will not inquire into the motives which may have prompted Congress in passing a bill.

Mr. OVERMAN. Mr. President, that is just what I said was the decision in the oleomargarine case; but I further stated that where the motive is admitted—

Mr. POMERENE. No; but, Mr. President, there is not any Senator here who can admit a motive by Congress.

Mr. OVERMAN. Well, everybody knows that what I stated is true, and we might as well be candid with each other. I will ask the Senator this question: If the Supreme Court knew that this legislation was passed with the intention of nullifying their decision, if that were admitted as the motive, would that act stand for a minute?

Mr. POMERENE. Looking at this from the standpoint of the constitutionality of the provision, it may be admitted that one of its purposes is the raising of revenue.

Mr. OVERMAN. Is that true?

Mr. POMERENE. It is true.

Mr. OVERMAN. To raise revenue?

Mr. POMERENE. It is true. We are dealing with the other proposition as well, and we—

Mr. OVERMAN. Did the Senator introduce his bill on this subject for the purpose of raising revenue?

Mr. POMERENE. Mr. President, if the Senator will allow me to state this in my own way, I will say that we have sought to deal with this question in various ways. In a bill which was passed some time ago we invoked the power of Congress over interstate commerce. The Supreme Court by a divided tribunal, five to four, held that that was unconstitutional. The friends of the measure sought to adopt some other plan by which we could deal with the question. In the pending bill we are raising revenue, and we saw fit to draft this provision for the purpose of raising revenue and at the same time to meet the child-labor problem. Now, we are not shying away from that question at all; but if we can find the power to deal with this question under the taxing power it makes no difference to the Supreme Court what other purpose may have been in the minds of the draftsmen of the law.

Mr. OVERMAN. The Senator will not say that he introduced his bill for the purpose of raising revenue?

Mr. POMERENE. I have just said to the Senator—and I can not make it any stronger—that there was a twofold purpose, and we saw fit to use the taxing power to meet this situation because we believed it could be done.

Mr. OVERMAN. Does the Senator believe, if this provision were constitutional and it should be upheld, that it will raise any revenue?

Mr. POMERENE. I do; and if it does not, then you have nothing to complain of, because—

Mr. OVERMAN. Mr. President, along the line I suggested as to the morals of this procedure, I should like to read what the great—

Mr. HARDWICK. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. OVERMAN. I yield.

Mr. HARDWICK. It is a matter that I did not state with as much clearness as I wished in my previous remarks. I wish to ask the Senator from North Carolina if he believes that in the exercise of the taxing power of the Government, which is only one of the powers conferred on Congress, we can violate other cognate provisions of the Constitution?

Mr. OVERMAN. No, Mr. President; and the Supreme Court in one case has held that that can not be done.

Mr. HARDWICK. That is the real question here. We can not take the taxing power of the Federal Government, in my opinion, and so exercise it as to utterly disregard and trample upon other provisions that are entirely valid.

Mr. KENYON. Mr. President, will the Senator from North Carolina yield to me to ask the Senator from Georgia a question?

Mr. OVERMAN. Certainly.

Mr. KENYON. What is the view of the Senator from Georgia as to the limitation of the Constitution on the taxing power of Congress?

Mr. HARDWICK. I think the taxing power, Mr. President, can not be exercised in any way so as to repeal or affect or nullify other provisions of the Constitution.

Mr. KENYON. That is, to destroy fundamental rights?

Mr. HARDWICK. Exactly—the fundamental rights of the States.

Mr. KENYON. That is the ultimate question?

Mr. HARDWICK. Of course, that is it.

Mr. OVERMAN. Mr. President, I have said that this provision in the bill is not for the purpose of raising revenue, but it is, and we might as well be candid, to nullify a decision of the Supreme Court of the United States. Whenever that is admitted, Mr. President, then everybody must admit that it is a very dangerous power, because if we can do this in one case we can do it in a million cases.

Judge Tucker, quoting from Cooley, says—I am reading from Tucker on the Constitution, Volume I, pages 501 and 502:

Constitutionally a tax can have no other basis than the raising of revenue for public purposes, and whatever governmental exaction has not this basis is tyrannical and unlawful.

This is the language of Judge Cooley:

A tax on imports, therefore, the purpose of which is not to raise revenue, but to discourage and indirectly prohibit some particular import for the benefit of some home manufacture may well be questioned as being merely colorable, and therefore not warranted by constitutional principles.

He (Judge Cooley) says that, as it is a duty from which revenue may be derived, the judicial power, where the motive of laying does not appear on the face of the act—

Just what we contend and what the court said in the oleomargarine case—

can not condemn it as being unconstitutional, but it is none the less a violation of the Constitution by the legislator who knows its object and levies the duty from a motive not justified by the Constitution.

In other words, this provision appears upon its face to be for the purpose of raising revenue, but when a Senator, knowing that it is done for another purpose and not for the purpose of raising revenue, votes for it, he is violating his oath.

Mr. SMITH of Georgia. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. OVERMAN. I yield.

Mr. SMITH of Georgia. As there will be no tax laid if children are not worked in the factories—

Mr. OVERMAN. That is right.

Mr. SMITH of Georgia. And as the purpose of the law is to prevent children from being worked in the factories, the purpose of the law is not to raise any revenue.

Mr. OVERMAN. I have just said that; and it is practically admitted. Therefore, according to our textbooks and to the Supreme Court of the United States, whenever a Senator votes for that sort of a provision of law which is not for the purpose of raising revenue he is violating his oath as a Senator, because the Supreme Court, when it looks at the act to determine as to its constitutionality and sees from the title of the bill that it is "for the purpose of raising revenue, and for other purposes," according to the decision in the oleomargarine case, it will not go behind that; and yet the announcement is made that this provision is not expected to raise any revenue. This is a great coordinate branch of the Government; it ought to respect the Supreme Court of the United States and have due respect for its decisions, and each Member of it ought to respect the oath he has taken to stand by the Constitution. Of course, Mr. President, my remarks do not apply to any Senator who thinks that this provision will raise revenue or who thinks it has been put in the bill for the purpose of raising revenue; but I assume, from the admissions made here by members of the committee, that it is not for that purpose. I quote further from Judge Tucker's great book on the Constitution, as follows:

It may be added that when the protection of private enterprise is not through the agency of protective duties but assumes the bolder form of taxation to put money into the Treasury for appropriation to the payment of bounties for private enterprise, the features of unconstitutionality of which Judge Miller speaks are obvious on the very face of the law; and that such appropriation for private enterprise of public money obtained by public taxation is "none the less robbery because it is done under the forms of law, and is called appropriation."

That is in reference to another case, but citing the same principle that the Supreme Court can not go behind the bill itself which Congress says it has passed for a certain purpose. It is left to each Member of Congress in his conscience.

The Supreme Court has decided in *United States v. Dewitt* that an act of Congress making it criminal for a citizen to mix for sale, etc., certain explosives was unconstitutional. Chief Justice Chase said: "The questions certified resolve themselves into this: Has Congress power under the Constitution to prohibit trade within the limits of a State? * * * Standing by itself, it is plainly a regulation of police." He adds: "As a police regulation, relating exclusively to the internal trade of the States, it can only have effect where the legislative authority of Congress excludes territorially all State legislation, as, for example, in the District of Columbia. Within State limits it can have no constitutional operation. This has been so frequently declared by this court, results so obviously from the terms of the Constitution, and has been so fully explained and supported on former occasions that we think it unnecessary to enter again upon the discussion."

The question then confronts us, If Congress can not by direct action constitutionally put down and prevent the sale of an article in a State, can it by the indirection of the taxing power seek to destroy what the Constitution prohibits it to touch?

I read the conclusion:

In other words, it can not pervert the use of a power given for one purpose into an instrument for accomplishing another purpose which is expressly denied to it. It can not do by indirection what under the Constitution it has no power to do by direct means.

Without discussing the morals or the merits of the provision, I place myself upon the oleomargarine case itself, in which it is said that it is a matter of conscience for each Senator. Knowing that this amendment is not for the purpose of raising revenue, and knowing that it is for the purpose of nullifying a decision of the Supreme Court of the United States, and doing by indirection that which Congress can not do by direction, is it right for the Senate to make it a part of a revenue bill?

As I have already stated, this bill is for the purpose of raising revenue to pay the war debts. Will this provision aid in that purpose? It is admitted that it will not. Is there something that stands in the way of this sort of legislation? It is admitted there is. Where? In the decisions of the Supreme Court of the United States. It is admitted that it will not raise revenue; it is admitted that we are trying to do something by indirection that we can not do by direction; it is wrong; and I protest against it.

Mr. THOMAS and Mr. LENROOT addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. THOMAS. I yield to the Senator from Wisconsin.

Mr. LENROOT. Mr. President, in the first place, before entering into a discussion of the legal proposition which has been raised, I wish to say that, in my judgment, this amendment can be sustained and voted for as a taxing measure without regarding it in any wise as a subterfuge. No one will dispute that Congress in the exercise of its taxing power can say, "We will tax, as an excise tax, all profits of a given business." That must be admitted, because we are not limited in the exercise of our taxing power to the taxing of profits; we may tax capital. Nearly a hundred years ago Chief Justice Marshall coined the phrase with which we are all familiar, "The power to tax is the power to destroy." It is equally legitimate for Congress through the exercise of its taxing power to say to the employer of child labor, "We do not prohibit the employment of child labor, but you shall not profit by coining into money the lives of little children, and any money that you shall so make the Government will take from you."

Mr. HARDWICK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. LENROOT. I do.

Mr. HARDWICK. I merely wish to develop the Senator's position just a little further. If what he has stated be true, then, can not Congress by the use of the same power in the same manner say to the people of every State in the Union, "We will tax all labor employed over eight hours," and in that way control that question even in an intrastate matter?

Mr. LENROOT. Possibly. There is—and I shall come to it later—one exception other than is found in the constitutional provision itself, and that is the fundamental right that the Senator spoke of in his remarks—not the fundamental right of the State to control a private business, but the fundamental right of the taxpayer himself, guaranteed by a free government.

Mr. HARDWICK. Does the Senator say that what I last suggested to him could be done under his view of the taxing power?

Mr. LENROOT. The Senator asks me whether, in my judgment, we might tax through the exercise of the taxing power all of the earnings of labor employed over eight hours.

Mr. HARDWICK. The profits of labor employed more than eight hours throughout the country. Could we tax that under the Senator's view?

Mr. LENROOT. I will frankly answer the Senator's question, and, from the standpoint of the constitutional power of Congress, unhesitatingly say "yes"—

Mr. HARDWICK. Then the Senator thinks the taxing power is so transcendent—

Mr. LENROOT. Let me finish. Granted, as I think we perhaps both would agree, that the State itself would have the right to make an eight-hour limitation in the exercise of its powers.

Mr. HARDWICK. A State may or may not choose to do that.

Mr. LENROOT. Then I would not be prepared to answer the question.

Mr. HARDWICK. If the State makes the limit 10 hours it would not make any difference in the question of power, but if the Senator is correct in his position it must follow that the Congress of the United States has a right to say that it will impose any tax that it chooses upon the product of labor in every State in the Union that may be employed more than eight hours in any one day. That is true, is it not?

Mr. LENROOT. It is true if we grant that the State itself in the regulation of the hours of labor might prohibit more than eight hours work in a day.

Mr. HARDWICK. I say, conceding that question.

Mr. LENROOT. Very well.

Mr. HARDWICK. Now, let us go a step further. If that be true, then the Senator's position is that the taxing power of the Federal Government is so transcendent that it repeals every other cognate provision of the Constitution—

Mr. LENROOT. Not at all.

Mr. HARDWICK. No matter what reservations are left to the States and to their people, respectively.

Mr. LENROOT. The taxing power does not repeal any other provisions of the Constitution, but it stands upon its own bottom and is complete in itself, as the Supreme Court has held in a number of cases.

Mr. HARDWICK. The trouble that I see about the Senator's position is that it would give the Federal Government the right absolutely to regulate every vested and internal concern in every State in this Union in spite of the other provisions of the Federal Constitution which deny that right expressly and explicitly.

Mr. LENROOT. Limited only by the suggestion made in the McCray case, to which I shall refer in a moment, and the limitations found in the clause itself, I say that the taxing power of the Federal Government is supreme and unlimited. The limitation to which I have referred—although not necessary to the decision, for it is obiter, but I think we would all concur in it—is that the taxing power can not destroy fundamental inherent rights of an individual, which neither State nor Federal Governments can directly destroy, but it may destroy any rights that a State in the exercise of its police powers might destroy. That is the situation. The States unquestionably have the right in the exercise of their police powers to prohibit the employment of child labor under the ages designated by this provision of the bill. Therefore it clearly is within the proper exercise of the taxing power of Congress by a taxing law to say to the employers of child labor, "We will take all of the profits that you may make out of child labor."

I am frank to say that, of course, that will result in the nonemployment of child labor, because the only reason that child labor is employed throughout this country is the expectation of profit upon the part of the employer by utilizing the services of children of tender age. Take away from the manufacturer the hope of profit, and, of course, there is no further incentive for him to employ child labor and it will cease.

In this connection I wish to quote from the address that President Wilson made at the joint session of Congress on May 27 last, which we all heard, in reference to this very revenue bill which he then proposed. In that address he said:

The profiteer that can not be got at by the restrictions of conscience and love of country can be got at by taxation.

This is only one of the provisions of the bill that seek to get at profiteers, men who will not through the restraint of conscience or love of country do those things which ought to be done.

But, now, to get back for one moment again to the contention of the Senator from Georgia. If I understand his contention aright, the Federal Government could not tax to the point of destruction, at least, a business of which the State alone had the power of regulation. If that be true, this revenue bill is full of taxes imposed upon business conducted wholly within the States, wholly within the jurisdiction of a State, business over which the Federal Government under the interstate-commerce clause or other clauses of the Constitution has no control. For instance, take the tax upon beverages. It is wholly within the police power of a State to regulate the manufacture of intoxicating liquors or to permit the sale of intoxicating liquors within a State. Will the Senator say that the validity of an act of Congress placing a tax upon beverages, as is done in other provisions of this bill, is to be measured by whether or not the tax destroys the business?

Mr. HARDWICK. Mr. President—

Mr. LENROOT. I yield.

Mr. HARDWICK. I think I can give the Senator an illustration of what the Senator from Georgia, at least, would say on that subject.

Mr. LENROOT. I shall be very glad to have it.

Mr. HARDWICK. Suppose the local laws, the laws of the several States, taking any one of them for illustration—Georgia, say—provided that barrooms should stay open until midnight, 12 o'clock. Does the Senator think that we could regulate that purely local question by levying a tax, not on all whisky sold in States but only on that class of whisky where barrooms were kept open later than 9 o'clock?

Mr. LENROOT. I have no doubt whatever of it.

Mr. HARDWICK. Well, that is a very fair illustration.

Mr. LENROOT. And, if the Senator will remember, questions of identically that nature have already been passed upon by the Supreme Court in a number of cases where excise taxes and income taxes have been before the Supreme Court, and the contention was made that there was discrimination between different kinds of income or different kinds of property; and in every case the Supreme Court has said that the only uniformity that is required in levying excise taxes is a geographical uniformity, and that it will not inquire into the matter of discrimination between this kind of business and that kind of business.

Mr. President, this entire matter has been before the Supreme Court a great many times; and if a question can ever be considered settled, this question, so far as the matter of constitutionality is concerned, is settled by the Supreme Court.

Reference has been made to the oleomargarine case, the case of McCray against United States, found in One hundred and ninety-fifth United States, page 27. After reviewing a great many of the leading cases upon the subject, the court sums up its conclusion, and I wish very briefly to quote from the opinion.

The court says:

Since, as pointed out in all the decisions referred to, the taxing power conferred by the Constitution knows no limits except those expressly stated in that instrument, it must follow, if a tax be within the lawful power, the exertion of that power may not be judicially restrained because of the results to arise from its exercise.

The Senator from Georgia and other Senators, especially the Senator from North Carolina [Mr. OVERMAN], urge that because this taxing power will change the status of the employment of child labor permitted by the decision of the Supreme Court in the child-labor case, therefore this is a wrongful exercise of the taxing power; but in this case and in many others the courts expressly recognize that through the exercise of the taxing power results may follow quite apart from the direct powers of the Federal Government, but nevertheless in every case the courts have held it to be a proper exercise of the taxing power.

I continue to quote:

The proposition now relied upon was urged in *Knowlton v. Moore* (178 U. S., 41) and was overruled. In that case it was insisted that although death duties were within the power to levy excise taxation, as the effect of their extreme enforcement would involve the power to destroy the right to the passage or receipt of property on the occasion of death—a subject within the exclusive control of the States—therefore death duties, when imposed by Congress, must be held to be unconstitutional.

In considering this contention, after referring to the statement of Mr. Chief Justice Marshall in *McCulloch v. Maryland*, that the power to tax involves the power to destroy, it was observed:

This principle is pertinent only when there is no power to tax a particular subject, and has no relation to a case where such right exists. In other words, the power to destroy which may be the consequence of taxation is a reason why the right to tax should be confined to subjects which may be lawfully embraced therein, even although it happens that in some particular instance no great harm may be caused by the exercise of the taxing authority as to a subject which is beyond its scope. But this reasoning has no application to a lawful tax, for if it had there would be an end of all taxation. That is to say, if a lawful tax can be defeated because the power which is manifested by its imposition may when further exercised be destructive, it would follow that every lawful tax would become unlawful, and therefore no taxation whatever could be levied.

It will be observed that in the case of *Knowlton* against *Moore*, cited in the quotation that I have read, the constitutionality of a Federal tax levying death duties was raised; and there the disposition of estates—inheritorships—was clearly a subject wholly within the power of the States. Under no clause of the Federal Constitution was the Federal Government given any power of control over that subject, save alone through the taxing power. The taxing power was employed. Through the taxing power the right of the State might be absolutely defeated, as was here held. Nevertheless, it was sustained; and so here, notwithstanding the right of your State or my State to regulate the employment of child labor, the right to say that a child of a younger age than that prescribed in the bill might be employed in the State, the law would stand. There is no interference with the right; but the taxing power, supreme, comes along and says that of the proceeds of that kind of a business the Federal Government will take so much. The State has not been interfered with; the individual has been interfered with; and he has no fundamental right beyond the power or control of the taxing power of Congress.

Again, in the same case—and I wish especially to call this to the attention of the Senator from Georgia—the court says:

The judiciary is without authority to avoid an act of Congress exerting the taxing power, even in a case where the judicial mind it seems that Congress had, in putting such power in motion, abused its lawful

authority by levying a tax which was unwise or oppressive, or the result of the enforcement of which might be to indirectly affect subjects not within the powers delegated to Congress.

I do not know how language could be plainer or how the doctrine could be more clearly stated than under the taxing power of Congress it may indirectly accomplish a result that Congress could not deal with directly, exactly as is the case in the case before us, the employment of child labor.

Mr. HARDWICK. Mr. President, if the Senator will yield—
The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. LENROOT. I yield.

Mr. HARDWICK. I suggest to the Senator that the only possible answer to that is found in the very first authority which he cited, which was the oleomargarine case, I think, was it not?

Mr. LENROOT. This is the oleomargarine case.

Mr. HARDWICK. Yes. The first citation the Senator read was from the opinion in the oleomargarine case.

Mr. LENROOT. Yes.

Mr. HARDWICK. In which the Supreme Court said that the power of taxation was limited only by other provisions of the Constitution itself. That was the opening sentence that the Senator read, and that is precisely the contention that is made here.

Mr. LENROOT. But while that may have been a general statement, the Senator can not point to any decision of the Supreme Court of the United States, from the beginning to this day, where in a given case the doctrine that he now states has been applied, because from the foundation of this Government to the present day the doctrine has been uniform that the power of taxation is supreme, limited only by the limitations found in the clause itself and limited again only by the exception stated in the McCray case, to which I shall now refer.

The opinion in the McCray case concludes—as I remember this is the concluding paragraph—with this language—

Mr. HARDWICK. Mr. President, may I interrupt the Senator for a moment?

The PRESIDING OFFICER. Does the Senator from Wisconsin further yield to the Senator from Georgia?

Mr. LENROOT. Yes.

Mr. HARDWICK. There is an unbroken line of decisions to the exact opposite, I think, of what the Senator has contended, beginning with Marshall's day, in the early days of this Republic, that the Federal Government, even under this omnipotent power of taxation of which the Senator speaks, can not tax State securities and can not tax State salaries, because the power of taxation is limited by other provisions in the Federal Constitution.

Mr. LENROOT. I have not read those decisions recently, but I think I have them clearly in mind, and, as I recollect them, the doctrine of which the Senator now speaks was not placed upon any express limitations in the Constitution itself, but was placed upon the correct doctrine that each State is a sovereignty, and is as truly sovereign within its sphere as the Federal Government is sovereign within its sphere.

Mr. HARDWICK. Well, of course; but that doctrine rests on the tenth article of amendment.

Mr. LENROOT. Yes. I thought the Senator had in mind some of the specific grants and not the reserved powers.

Mr. HARDWICK. No.

Mr. LENROOT. That was, of course, the contention in this leading case, the real gist of the matter in McCulloch against Maryland, but the distinction is very apparent. That involved the case of one sovereignty taxing another sovereignty, as distinguished from the business conducted by an individual within the sovereignty.

Mr. HARDWICK. But, if the Senator pleases, it also involved the proposition that even this omnipotent and universal power of taxation could not be exercised, and the court so held in a case where the Federal Constitution made provision against its exercise.

Mr. LENROOT. There are, as I have stated, and as the Senator will admit, only two limitations, and one of those is found in the clause itself, and this other that I did not think of treating as an exception or limitation, because it involved one sovereignty taxing another sovereignty, and the Supreme Court very properly held that that could not be done, and, of course, there has been a long line of cases sustaining that doctrine. But I challenge the Senator to point to a single case of the taxing of any private individual, or any taxation otherwise than taxation of another sovereignty or the agency of that sovereignty, where a clause of the Constitution other than the limitation found in the clause itself has been invoked and sustained as a limitation upon the taxing power. It can not be done, because it does not exist, and because the decisions are uniform that the power is supreme, and limited only by the

limitations found in the clause itself, and this general exception to which I now come.

The court said in the McCray case:

Let us concede that if a case was presented where the abuse of the taxing power was so extreme as to be beyond the principles which we have previously stated, and where it was plain to the judicial mind that the power had been called into play not for revenue but solely for the purpose of destroying rights which could not be rightfully destroyed consistently with the principles of freedom and justice upon which the Constitution rests, that it would be the duty of the courts to say that such an arbitrary act was not merely an abuse of a delegated power, but was the exercise of an authority not conferred. This concession, however, like the one previously made, must be without influence upon the decision of this cause for the reasons previously stated.

And what were the reasons previously stated? The reasons previously stated, taking the oleomargarine case out of this exception, were that the State in the exercise of its police power had the fullest authority to absolutely prohibit the manufacture of colored oleomargarine, because of the tendency to deception and fraud growing out of such manufacture; and therefore there was no inherent, there was no fundamental, right of the citizen to engage in the manufacture of oleomargarine. So this exception could not be invoked in the oleomargarine case, for, Mr. President, in the case of child labor the cases are exactly parallel. No one will contend that the States in the exercise of their police powers can not absolutely prohibit the employment of all child labor under the ages designated in the amendment now pending. The States have so held; the Supreme Court of the United States has affirmed time and time again legislation upon that subject. Therefore, Mr. President, it is not a fundamental and inherent right of the citizen to employ child labor, because the State in the exercise of its police powers may prohibit it; and therefore, in the exercise of this taxing power, by the taxes imposed by this amendment, we are not destroying the fundamental right of an employer of child labor, because no such fundamental right exists.

I shall not occupy further time, Mr. President, except to say that I do not believe that there has ever been a question before Congress where the law has been so clearly and so well settled as it is as applied to the amendment now pending.

Mr. President, I venture to say that the court can not find this amendment invalid without overruling, I will say, a hundred cases from the foundation of the Republic down to the present day—one long, unbroken line of consistent doctrine. The Supreme Court will not do so. The Supreme Court will sustain this amendment if it becomes a part of the law.

I have not gone into any discussion of the question that was merely suggested with reference to whether or not the Supreme Court would inquire into the motives of Congress in passing a taxing measure, because even the opponents of the measure, I understand, admit that the Supreme Court will not so inquire; and, of course, the Supreme Court will not so inquire. It will assume that this is a revenue, a taxing, measure, and, as I have tried to show, it is clearly within the power of Congress. It can be sustained. It can be voted for by Senators not feeling that they are voting for something as a subterfuge to accomplish by indirection what could not be accomplished directly, but it can be voted for upon the theory that by the exercise of the taxing power we will deprive employers of child labor of profit. Depriving them of profit, it will follow that the employment of child labor will cease.

Mr. THOMAS. Mr. President, the title of the pending bill is:

An act to provide revenue, and for other purposes.

I imagine, therefore, that it is sufficiently comprehensive to include the pending amendment and practically anything or everything else which might be offered for the consideration of the Senate.

So far, then, as the form or purpose of this amendment is concerned, in view of the absence of limitations upon our power to legislate, I know of no reason why it is not perfectly appropriate in this bill. I think the Senator from Wisconsin [Mr. LENROOT] has also demonstrated the uniformity of the provisions of the amendment with the recent decisions of the Supreme Court of the United States upon the Federal power of taxation; and I presume that, following the line of modern decision, the act will be sustained.

There is, however, one fundamental difference between the facts or the history of this proposed legislation and that of analogous tax legislation which has been sustained. I refer, of course, to the fact that the Supreme Court within the last few months has declared a measure under which Congress exercised its jurisdiction over the whole question of child labor to be beyond the powers of the General Government, and, of course, this amendment, following directly upon the heels of that opinion, presents a different situation—whether it is an im-

portant one or not remains to be seen—from that of all preceding instances.

I do not think there is any question but that the purpose of this amendment is to prohibit the use of child labor in certain industries in the States of the Union. The matter of revenue is merely an incident, or, if it is a matter of revenue, is merely the basis for the exercise of the power. The purpose to be accomplished is precisely the purpose sought to be accomplished by the measure which was held to be unconstitutional.

Much as I sympathize with the constantly growing sentiment in favor of the prohibition of child labor, I was unable to support the measure which the Supreme Court set aside, and for the reason which the majority opinion declares much better than I was then able, or am now able, to declare. I did not believe, and I do not believe now, that the power of Congress over interstate commerce is sufficiently broad to give it jurisdiction of the police powers of the States, and the recognition of that jurisdiction in one direction necessarily recognizes the right to exercise the power in all other directions whenever Congress in its wisdom shall see fit to do so.

This recent line of decisions of the Supreme Court is a development of the judicial power of the United States. There is no question about that. The case read by the Senator from North Carolina from Ninth Wallace, and cases previous to the date of that one, and possibly some afterwards, recognized very plainly and enforced the proposition that a constitutional limitation, the absence of a constitutional power, could not be overcome by an indirect exercise of that power any more than by the attempt at the direct exercise of it.

The Supreme Court has been keeping pace, however, with the growth of public thought. I have always thought that Mr. Dooley's claim to the first place among the humorists of this time was the inculcation in his very amusing way of a great deal of genuine philosophy. In discussing the insular cases, for example, Hennessy asked him whether he believed that the Supreme Court followed the flag. His reply was that he did not know, but he observed that they followed the elections mightily closely; and that is absolutely true. I do not mention it as at all discreditable, because it is not, but merely as a fact; and the constant growth of those cases toward the recognition of the right of taxation, even to the power of confiscation, has been largely due to the fact that it dawned upon the congressional mind some time ago that through the exercise of that power a great deal could be accomplished which otherwise could not be accomplished at all.

It may be, Mr. President, that if such a power had been invoked earlier in the history of the United States we could have avoided a great deal of unpleasantness and possibly some of the internecine strife which has disfigured the pages of our history. For example, if, in 1860, a special and prohibitive tax had been placed upon the products of slave labor, its abolition might have been accomplished without resorting to arms or an attempt to destroy the Government of the United States. If slavery should rear its head in any of our possessions or in the United States again, we may comfort ourselves with the reflection that we can very easily knock it all to pieces by resorting to a system of taxation.

Mr. President, my objection to this amendment is therefore not a constitutional but a practical one. I think that we have gone as far as we ought to go in using the taxing power of the United States for the purpose of effecting social reforms; and I am afraid that if we go much further it will be perhaps the only medium through which these reforms will be attempted, and some of them may not be ultimately to our liking.

The oleomargarine case, apart from the bank case, was perhaps the first attempt to utilize the taxing power for a purpose other than the raising of revenue. The outcry against oleomargarine came from the dairymen, from those who produced and furnished the country with butter. They saw in the oleomargarine situation a potential source of competition, and those who were interested invoked the taxing power of the United States to put a quietus upon it. The Supreme Court sustained the legislation; and, after sustaining it, more drastic legislation was enacted, which is now in force. Nobody who knows anything about the history of the oleomargarine legislation pretends that its purpose was to raise revenue; and so, Mr. President, with some of the other cases which have been cited.

The present measure, if it goes into effect, will unquestionably result in preventing the employment of children within the prescribed ages in the pursuits which are specified in the bill. It will, in other words, accomplish precisely what was sought unsuccessfully to be accomplished in our legislation of a year or two ago, and the reasons given for the sustaining of the law will be precisely the reasons, perhaps stated in a little different way, which have been presented by the court in sustaining similar leg-

islation. It will add, however, another precedent, and goes further than any of the preceding ones in the direction of utilizing the taxing power for the purpose of effecting social changes and reforms, and it may also be utilized for the purpose of political and industrial punishment under the guise of social reform.

The other day, I think in the city of Cleveland, there was a very serious strike. The employees of the local traction company, objecting to the employment of so many women, went upon a strike because their protest against female employment went unheeded. How the matter was settled I do not pretend to say, but I can easily understand how, in the fierce competition for employment, rivalry and controversy more than State wide may present itself between men workers and women workers; and I can easily understand how, if legislation of this kind is to be passed and sustained, the same power may be resorted to by the successful element at the polls against the vanquished element.

Let us suppose, for example, Mr. President—and I do not think the supposition is a violent one—that within the next 10 years the pressure of female employment upon male employment becomes so exciting and so drastic as to present a political issue to the voters of the country. In the meantime, woman suffrage has become an established fact. The States, whatever their legislation may be upon the subject in the meanwhile, will not present a uniform condition. That can be acquired only by national legislation.

The side winning the election then comes to Congress for relief, and presents a bill, we will say, like this, if the men win, as they sometimes do, that every person operating any business situated in the United States where women have been employed or permitted to work during any portion of the taxable year shall be taxed, we will say, 25 per cent of the proceeds of the business. Of course, it is an attempt to apply the taxing power of the Constitution to the accomplishment of a greatly desired industrial condition which has been made an issue at the previous election. Or suppose the controversy becomes acute between organized and unorganized labor, and that unorganized labor, which was the more numerous, should succeed at the polls, and attempt, as it doubtless would, if that sort of legislation is to become generally recognized, to prohibit the employment of union labor anywhere in the United States by invoking against it the constitutional power of taxation. Then a bill is to be presented that every person operating business where organized labor has been employed or permitted to work, and so forth, should be taxed 25 per cent or 50 per cent or any other amount which may be necessary to make the real purpose of the bill effective.

Suppose an anti-Semitic agitation in the United States or an anti-German industrial agitation in the United States within the immediate future, how easy it would be to exclude such persons, all such persons, from the possibility of earning a living in this free land of ours by so penalizing the employees through the exercise of the taxing power as to make it impossible for them to exercise their right.

Mr. President, I foresee a great many very serious differences of an industrial and economic character which will certainly be evolved from this war, and upon the return of our millions of soldiers and upon their reabsorption into the industrial and economic life of this country another pressure upon Congress with the probable difficulty of securing employment. I greatly fear if we utilize this power and do it unduly and improperly, not consciously so, perhaps, but nevertheless improperly, we are creating precedents which may arise to disturb us very seriously in the immediate future.

So believing, Mr. President, I hesitate, as I did in the committee, to cast my vote for this or any similar amendment, not because it is a part of the revenue law, but because I do not believe in the safety or expediency of such legislation at this time.

Mr. KELLOGG. Mr. President, I am not going to take the time of the Senate to discuss the constitutionality of this proposed law. It seems to be conceded that Congress has the power to levy a tax, and I believe there can be no question about that. But it is urged that because the law is passed to evade the effect of a decision of the Supreme Court in the child-labor case it is improper to pass a tax bill, some claiming, I believe, that it will be unconstitutional to evade the decision, and others, as the Senator from North Carolina [Mr. OVERMAN], saying that it rests upon the conscience of a Senator himself.

I do not see how it can be unconstitutional if Congress has the power to levy the tax simply because it is an evasion of a decision of the Supreme Court, if it may be called so. Congress clearly would not have the power to prohibit the manufacture of any legitimate article of commerce purely within the State for intrastate consumption. Yet clearly Congress may place a

tax on a product or the profit arising from the manufacture to the extent that would take away all incentive to manufacture.

As I said before, from the beginning of the Government to the present time we have the precedent of Congress levying a tax for the purpose of prohibiting the exercise of certain functions by private individuals and by corporations, notably the tax on State banks and the oleomargarine cases. Of course, the court was passing upon the question under another provision of the Constitution, upon an absolute prohibition by Congress, such as the prohibition against the manufacture, we will say, of certain articles, but when Congress comes to pass a tax because the tax would render unprofitable the employment of child labor and was therefore, as they say, an invasion of the decision of the Supreme Court, the court is not going to inquire into the motives of Senators in voting for or against the measure. It rests on the conscience of every Senator whether he believes that this proposed law is a legitimate exercise of legislative power, and whether it will accomplish the object he has in mind. I for one believe I would not have a great deal of difficulty in satisfying my conscience on that score.

I shall not take the time of the Senate to discuss the merits of child-labor laws which have been adopted in the interest of humanity in many States. Every Senator knows that the future of the race, the future of this great people, depends upon the purity and strength of the child and his bringing up. I believe that Congress and the States should throw around the child every protection they can to insure a strong and vigorous manhood. I do not consider this to be an invasion of the Constitution.

Mr. POMERENE. Mr. President, we have heard a great deal of complaint by certain Senators concerning this amendment, because they believe it to be unconstitutional, and they say to vote for it would be to violate their oath of office. Those who entertain that opinion of course should vote against it. Their conscience should guide their vote. I do not share that opinion, and my conscience will be perfectly easy in voting for this amendment. If I thought it was even probably unconstitutional I should not vote for it, but when I contemplate the power of Congress over the subject of taxation I have very little difficulty in finding the authority for such legislation as this.

"The Congress shall have the power to lay and collect taxes, duties, imposts, and excises," the Constitution says. There is only one limitation upon that power in the Constitution, and that is that Congress shall not levy a tax upon exports, and there are only two qualifications upon it in addition to that limitation. The first is that all direct taxes shall be apportioned among the States according to the census. The second is that all excise taxes shall be uniform in their operation. And as the Senator from Wisconsin [Mr. LENROOT] said, the Supreme Court, time and time again, has held that it is a geographical uniformity to which the Constitution refers.

With only these limitations we have here a plenary power to tax, and I submit that the Senate needs nothing more to convince itself of that fact than a study of the pending measure. It is true, it is sometimes said that to place a tax of the character involved in this amendment is making an unjustifiable classification, but I know of nothing in the adjudicated cases that would uphold that contention.

In levying our taxes we see fit to make one tax against the individual, another against a partnership, and a third against a corporation. Does anybody contend that a law which makes these discriminations is unconstitutional for that reason?

Again, in the last several revenue measures we made an especially high tax upon the manufacturers of munitions, and, while there was a difference of opinion as to the policy of such a distinction, no one questioned the power of the Congress to do it. We could place a certain tax upon the manufacture of steel and a certain other tax upon the manufacture of copper and a certain other tax upon the manufacture of flour—I mean in the form of an excise tax—and, while we might question the wisdom of legislation of that kind, no one would question the constitutional power to do it.

At the present time and for a number of years we find, as a matter of fact, that certain manufacturers and certain mine operators employ labor of tender years. As the Senator from Wisconsin [Mr. LENROOT] has said, they employ it because of the profit they are making out of it, and for no other reason. The Congress of the United States sees that situation. Is it beyond their discretionary power to say that if these men are going to employ children of tender years we will say to them we are going to levy an additional tax? That is all this amendment involves.

When we make this suggestion we are told that we should leave this subject to the legislatures of the several States, be-

cause we are offending certain of the States. In answer to that I say your action is offending the whole United States.

In the McCray case the Chief Justice, in delivering the opinion, in referring to the power of Congress, said, on page 61, One hundred and ninety-fifth United States Reports:

The right of Congress to tax within its delegated power being unrestrained, except as limited by the Constitution, it was within the authority conferred on Congress to select the objects upon which an excise should be laid.

We have seen fit by this amendment to say that here is a certain class of individuals or corporations, as the case may be, who are exercising certain rights and privileges under the permission of Congress, and they employ certain instrumentalities. The fact that they are permitted to do these things, it seems to me, includes the power to say if you are going to do it out of your profits you shall pay an additional tax.

I am not able to distinguish between the tax on the profits derived from child labor and the tax on the profits derived from the manufacture of oleomargarine. It is a tax on profits. The tax on oleomargarine to a certain extent discourages the manufacture of oleomargarine, but that did not make it unconstitutional. The tax upon those men who employ child labor is but a tax upon one of the instrumentalities by which they coin their profits. Is there any legal distinction between the two? If so, I am not able to see it. I feel very confident that in view of the long line of decisions sustaining the taxing power in similar legislation, the court, when it comes to review this amendment, if it becomes a law, will sustain it.

Mr. KENYON. Mr. President, there has been so much said on this matter I feel that I can not add anything to the very thorough discussion of the legal problem, but I do want to make a few observations. I have been much interested in the whole course of the child-labor legislation, and was so keenly disappointed with the decision of the Supreme Court, deriving very little satisfaction from the fact that four judges dissented, that I want to add just a word or two to what has been said.

I have come to the conclusion that there is no constitutional question so clear that it is not without very serious difficulties. I felt that way about the child-labor bill before. The argument advanced here by the distinguished Senator from Georgia [Mr. HARDWICK], whose opinion I value so highly on constitutional questions, that we, in fact, are getting around or nullifying the action of the Supreme Court, does not appeal to me with great force. When the income-tax case was decided by the Supreme Court we did not hesitate to try to nullify the action of the Supreme Court by passing further legislation.

Now that the Supreme Court in the original child-labor case has decided that that law was unconstitutional, it seems to me perfectly proper and perfectly right that we should try and find some means of nullifying that action of the Supreme Court, and that is what we are trying to do.

Mr. LENROOT. Will the Senator yield?

Mr. KENYON. Yes.

Mr. LENROOT. I would like to ask the Senator whether it is exactly correct to assume that we are nullifying the action of the Supreme Court when the Supreme Court nullified the action of Congress?

Mr. KENYON. That is correct, of course, and better stated. The same is true as to the employers' liability act. The method we tried to get at it the Supreme Court declared unconstitutional. Then we tried some other method. Here the Supreme Court decided that our attempt through the interstate-commerce clause of the Constitution to regulate this wrong was an unconstitutional way to get at it. Now, we try another way, and pass that on to the Supreme Court for them to state whether or not it is constitutional legislation.

Some things are particularly well established in this discussion. First, this is an excise tax; it is not a direct tax. Second, I think it is conceded, established by a long line of decisions, that the court does not go into the question of the motives or intention or the purposes of the Congress. Third, another proposition fairly established is that there are few limitations upon the taxing power. Of course, direct taxes follow the constitutional rule of apportionment. Indirect taxes must be uniform in their operation. There can be no tax on exports; there can be no tax upon the agencies of State government, but outside of that there are practically no limitations on the taxing power. It has been held that the fifth amendment does not amount to a limitation upon the taxing power.

Mr. HARDWICK. Mr. President—

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Iowa yield to the Senator from Georgia?

Mr. KENYON. I yield.

Mr. HARDWICK. One important exception is that there can be no tax on State officers or State securities under the constitutional provision.

Mr. KENYON. Let me say that we can not interfere with the rights of the State or the power to carry on the State government by any scheme of taxation.

Mr. HARDWICK. If it is true in respect to State securities and State officers that there should be such a limitation on the Federal power, why is it not true in reference to other rights and powers?

Mr. KENYON. I do not think there are any such rights and powers involved here.

Mr. LENROOT. I wish to call the Senator's attention to the dispensary cases in South Carolina some years ago, where the State itself undertook to go into the liquor business and claimed that the State undertaking that business it was not subject to the general internal-revenue tax; but the court held that while there was such a limitation in so far as necessary to carry on the State government they were exempt from a Federal tax; wherever the State undertook to go into private business it was subject to the Federal tax the same of an individual.

Mr. KENYON. There might be agencies of the State carrying out its public functions not its private business. The agencies carrying out public functions can not be interfered with by taxation.

I am not going to prolong this discussion. I think the propositions I have laid down are incontrovertible.

Now, what was the real decision in the child-labor case? I want to read just a word or two, so that it may go into the Record, from the majority opinion. I feel myself the minority is the strongest opinion. It is the case of Hammer against Dagenhart. The court said:

In our view the necessary effect of this act is, by means of a prohibition against the movement in interstate commerce of ordinary commercial commodities to regulate the hours of labor of children in factories and mines within the States, a purely State authority. Thus the act in a twofold sense is repugnant to the Constitution. It not only transcends the authority delegated to Congress over commerce, but also exerts a power as to a purely local matter to which the Federal authority does not extend. The far-reaching result of upholding the act can not be more plainly indicated than by pointing out that if Congress can thus regulate matters intrusted to local authority by prohibition of the movement of commodities in interstate commerce, all freedom of commerce will be at an end and the power of the States over local matters may be eliminated, and thus our system of government be practically destroyed.

It seems to me we come to this question in the final analysis, that if the Supreme Court shall say we brush aside all the questions as to taxation, and this is apparently to us an attempt to regulate affairs of a State within a State under the doctrine of the old child-labor case, we hold this statute to be unconstitutional. In other words, while not inquiring into the motives of Congress or the purpose of Congress, yet if it is apparent to them that the taxing power has been used to strike down a fundamental right, then the Supreme Court declares it unconstitutional. That is the question here, and that is the question that no one short of the Supreme Court can determine.

In the oleomargarine case, the McCray case, referred to by the Senator from Ohio [Mr. POMERENE], in One hundred and ninety-fifth United States, the language makes this point rather clear. In the concluding part of that opinion the court said:

Let us concede that if a case was presented where the abuse of the taxing power was so extreme as to be beyond the principles which we have previously stated, and where it was plain to the judicial mind that the power had been called into play not for revenue but solely for the purpose of destroying rights which could not be rightfully destroyed consistently with the principles of freedom and justice upon which the Constitution rests, that it would be the duty of the courts to say that such an arbitrary act was not merely an abuse of a delegated power but was the exercise of an authority not conferred. This concession, however, like the one previously made, must be without influence upon the decision of this case for the reasons previously stated; that is, that the manufacture of artificially colored oleomargarine may be prohibited by a free government without a violation of fundamental rights.

So that the prohibition of child labor—a prohibition of that character—would not violate fundamental rights, though I know the point is made by the Senator from Georgia [Mr. HARDWICK] that it violates the fundamental right of the State to control its own affairs; that is slightly different from the mere question of prohibiting child labor.

In the discussion on this floor of the law which was involved in what is known as the phosphorus match case, which has been referred to this afternoon, it was openly conceded—I think by the Senator from Massachusetts—that the purpose of that proposed act was not for revenue, but was to blot out that evil; a general public policy to get rid of those detrimental things in manufacture which were injuring the lives of the workmen. The then Senator from Texas, than whom no greater constitu-

tional lawyer, I think, ever sat in this body, said, among other things, in that debate, as will be found in the CONGRESSIONAL RECORD of April 3, 1912, he having been speaking with reference to the power of the courts to inquire into the motives of Congress:

But whatever my opinion may be about that, the rule is too well established now to be successfully assailed, and I know perfectly well that if Congress passes this act, and it is challenged in the courts, the courts will sustain it precisely as they sustained the oleomargarine act.

Mr. LENROOT. The Senator from Iowa has not given the name of the Senator from Texas to whom he refers.

Mr. KENYON. I am reading from the speech of former Senator Bailey, of Texas. Texas has produced so many great constitutional lawyers, I suppose that I should have mentioned Senator Bailey's name, though I thought everyone would recognize the fact that I referred to him.

So it gets back, in its final analysis, to the suggestion, it seems to me, which was made by the Senator from Minnesota [Mr. KELLOGG], of each Senator, under his oath, determining in his own mind whether this proposed legislation is or is not constitutional. Oftentimes questions arise here when we can not determine that matter. As to what was known as the Webb-Kenyon law, in the argument of that question upon the floor of the Senate, I said very frankly that it was a close constitutional question. So great a lawyer as President Taft vetoed the bill, saying that it was unquestionably unconstitutional, and the then Attorney General of the United States rendered a very learned opinion, in which he said there was no question about its being unconstitutional. However, we passed the bill over the veto of the President; it went to the Supreme Court and was there sustained, I think, with only two dissenting votes. So we meet that practical question in all of this forward-looking legislation.

Here is a great wrong to be remedied. Perhaps it is not so great now as it has been in the past. We have to take some chances on all such legislation, as to its constitutionality. We have tried one method to cure the evil, and it has been a failure. This is the only method left. Can the Supreme Court say, "We assume that there will be no taxes raised by this law; that it is a mere subterfuge"? What right have they to do that? In order to overthrow the law they will have to overthrow their decision in the oleomargarine case; they will have to assume that this legislation clearly shows that it is not for the purpose of raising any revenue but is solely for the purpose—even going to the extreme cited by the Senator from Georgia of striking down some rights within the State which belong only to the regulatory power of the State in order to hold the act to be unconstitutional. I have no trouble, in my own mind, in reaching the conclusion that, under those circumstances, believing that we are remedying a great wrong, a great evil, and are trying to protect and to conserve the children of this country, my duty is to vote for this amendment to the pending bill. It is the only means now presented for curing this evil of child labor.

Mr. FRANCE. Mr. President, I shall vote for this amendment because it furnishes us an opportunity for legislating at this time upon this most important matter; but lest my position should be misunderstood, I desire to say now that I shall not vote for the amendment because I am laboring under that which I believe to be a general misapprehension, that we must accomplish by indirection and by subterfuge, so to speak—for that is what we are proposing to do in this instance—the beneficent end which this legislation seeks to achieve.

I know that probably the lawyers here may not agree with me, and those who have studied the Constitution for many years may differ with me, but, notwithstanding, I believe it to be a fact that we might adopt this as a rule of constitutional interpretation. So broadly constructive and progressive is the Constitution in its purposes and in its whole nature that segregative, disintegrative, negative, and purely prohibitive legislation must generally be found to be repugnant to it, while constructive, conservative, affirmative, and ameliorative measures are almost of necessity in harmony with its provisions.

The soundness of this principle of constitutional interpretation, it seems to me, is well illustrated in the recent decision of the Supreme Court with reference to this very child-labor law. I do not understand, from reading that decision rather carefully, that the Supreme Court nullified that legislation because it was ready to affirm that this Republic had no right whatever to protect the life, the health, and the liberty of the children who are to become the citizens of this Republic; I do not understand that the Supreme Court nullified that law because of an opinion that all jurisdiction over the children of the land belongs to the several States. The decision, it seems to me, says very clearly that this act was unconstitutional because it prohibited to interstate commerce certain articles, whereas the

Congress is only empowered to regulate interstate commerce. There is the essence of the whole opinion of the court in this case.

The legislation which was annulled is a very clear example of prohibitive, negative, and, I believe, in one sense, destructive legislation, although the purposes of the legislation were clearly commendable and the ends sought to be achieved were entirely beneficent. I am not willing to criticize the Supreme Court of the United States for nullifying this legislation, for I think that the legislation was an attempt to accomplish by illegitimate means most legitimate purposes. The whole object of the brief remarks which I am making will appear when I say that I am not willing to admit that it is ever necessary to evade constitutional provisions in order to accomplish such beneficent purposes as we have in view in the adoption of this amendment. My purpose in saying this much is simply this: There is a constructive way to deal with the child-labor question, and that is the way in which we must deal with it ultimately. It must be dealt with affirmatively and not negatively. It is not enough to deny that children should labor; we must do more than that. We must affirm that they must all be educated and trained for citizenship.

I believe that it is the duty of this Republic, when the State fails to train children for citizenship in a universal compulsory system of State education, to provide for such training of its citizens. I propose at some time in the near future to discuss whether or not the Federal Government has the power to train its youth for citizenship, or whether it must stand helpless while certain of the States may be allowing an illiteracy of nearly 20 per cent to continue to exist.

I think that the constitutional question is very clear. Some, since the beginning of the war, have maintained that the powers of the Constitution, by war, are enlarged; others have contended that the powers of the Executive during war are increased, and yet others have contended that during war the powers of the Constitution and the limitations imposed by the Constitution are suspended. There is no foundation for any of those contentions. The constitutional powers exist continually; they are neither enlarged by war nor are they narrowed by war or peace. I will not go into any quotation of Supreme Court decisions to that effect. While the constitutional powers of the Executive are more largely exercised during war, they are not enlarged. I do not care to go into a discussion of that question at this time, although I have before me certain cases which will support that contention.

I wish merely to say that the very purpose of the adoption of the Constitution—and that was clearly set forth in the great argument of Marshall before the Virginia convention—was to make better provision for the national defense. His opponent at that convention, whom you all well remember as you have in mind that debate, contended that the Nation might easily in times of war prepare for war, and John Marshall, of course, made in reply that great statement, in which he showed that the powers to prepare for war must exist as well during times of peace as during times of war, or otherwise the Nation would not have the necessary powers in times of peace to prepare for times of war.

Mr. President, if that great doctrine is true, that all of the powers which the Federal Government enjoys during times of war it can also exercise in times of peace in preparation for war, then, of course, all of the powers which we exercised during this last war we can exercise, if we see fit, during times of peace, so far as those powers were exercised for putting the country into a condition to wage war. What I mean is this: We found when we made a census to see what available man power we had for carrying on this war that among those of military age there were 700,000 who could neither read nor write, who were unprepared to understand the simplest written orders presented to them by a commanding officer; and there is at least one instance where a man was court-martialed in the United States Army, so I am informed, because he could not read an order nor would he admit his own illiteracy. During the war we sent men to colleges to be educated; we sent men, adults, to schools in the camps to be educated so that they might read their orders and comprehend the written statements which it was necessary for them to understand in order that they might properly perform their duties of citizenship during war.

Now, we face this situation: Is the Constitution of such a nature that we can take 700,000 men who can neither read nor write and compel them during times of war to get that preliminary education which they need in order to become soldiers to defend the Nation, and yet are we as a Nation helpless to see that illiteracy is eradicated in times of peace? Mr. President, the doctrine that the Federal Government is helpless to deal with the illiteracy which the States are permitting to exist is a

monstrous doctrine. It is a doctrine which is repugnant not only to the whole constructive nature of our Constitution, but it is one of which the fathers never dreamed. The very first presidential inaugural addresses dealt with the subject of the necessity for the extension of education, and the fathers never contemplated that we should attempt to form a great Federal Government which would be helpless to prevent its citizens living in ignorance and degradation if certain of the States saw fit to let them so live.

Mr. President, I did not care to have this occasion pass without saying that I do not subscribe to the doctrine that we must legislate for the accomplishment of these great and beneficent ends by methods of indirection. I wish to read just a short paragraph from what Alexander Hamilton said in connection with this general subject as to the division of the Federal and the local powers. His language expresses very well what I would say if I were gifted with the power of expression which he had:

Whatever constitutional provisions are made to the contrary, every government will be at last driven to the necessity of subjecting the partial to the universal interest. Gentlemen ought always in their reasoning to distinguish between the real, genuine need of a State and the opinions and prejudices which may prevail respecting it. The latter may be opposed to the general good, and consequently ought to be sacrificed. The former is involved in it and can never be sacrificed.

I am making these observations to present to you this great question which I propose later on to discuss. I believe it is the greatest question we have to consider during this reconstruction period—how we can accomplish these beneficent ends, which we must accomplish, without violating any of the provisions of the Constitution.

I have offered some amendments to the census bill which not only change the method of the census, but which also change the whole theory upon which the census is based. Under these amendments to the census bill if enacted there would be a continuing enrollment of the people of the country, with the collection of vital, social, and industrial statistics such as are necessary if we are to legislate with that precision which is so desirable. These amendments which I mention look forward to legislation which would establish a Federal system or a federalized system of education, a federalized system of public health, and a more scientifically organized federalized system of employment agencies. It is because I am looking forward to the discussion of these amendments and to the presentation of such legislation that I am not willing to seem to be going on record as one of those who believe that we must continue to seek to accomplish these great and beneficent ends by indirection, when I believe that we have under the Federal Constitution ample powers for the enactment of such conservative, constructive, and truly ameliorative legislation.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

Mr. UNDERWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|------------------|--------------|--------------|------------|
| Ashurst | Jones, Wash. | Nugent | Spencer |
| Baird | Kellogg | Overman | Sterling |
| Bankhead | Kenyon | Penrose | Sutherland |
| Beckham | Kirby | Polindexter | Swanson |
| Chamberlain | La Follette | Pollock | Thomas |
| Curtis | Lenroot | Pomeroy | Thompson |
| Dillingham | Lodge | Ransdell | Underwood |
| France | McKellar | Saulsbury | Vardaman |
| Gay | McLean | Shafroth | Warren |
| Gerry | Martin, Ky. | Sheppard | Watson |
| Gore | Martin, Va. | Sherman | Williams |
| Hardwick | Moses | Simmons | Wolcott |
| Henderson | Nelson | Smith, Ga. | |
| Johnson, Cal. | New | Smith, S. C. | |
| Johnson, S. Dak. | Norris | Smoot | |

Mr. JONES of Washington. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent on account of illness in his family.

Mr. SAULSBURY. I wish to announce that the senior Senator from Maryland [Mr. SMITH] is absent on important business of the Senate.

Mr. McKELLAR. I desire to announce the absence of my colleague [Mr. SHIELDS] on account of illness.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment reported by the committee.

Mr. HARDWICK. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. C]

I am told by the Senator that on this question he would vote as I shall vote. I therefore vote "yea."

Mr. McKELLAR (when Mr. SHIELDS's name was called). I announce the absence of the senior Senator from Tennessee [Mr. SHIELDS] on account of illness.

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. Not knowing how he would vote on this question, I transfer that pair to the Senator from Illinois [Mr. LEWIS] and vote "nay."

The roll call was concluded.

Mr. GERRY (after having voted in the affirmative). I have a general pair with the junior Senator from New York [Mr. CALDER]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and will let my vote stand.

Mr. FLETCHER. I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. I am informed that he would vote as I shall vote on this question, and I therefore vote "yea."

Mr. JONES of Washington. The junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent on account of illness in his family. He is paired with the senior Senator from Arkansas [Mr. ROBINSON]. If the junior Senator from Michigan were present and at liberty to vote, he would vote "yea."

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. KNOX]. In his absence I withhold my vote. If at liberty to vote I should vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Oklahoma [Mr. OWEN] with the Senator from West Virginia [Mr. GOFF];

The Senator from Wyoming [Mr. KENDRICK] with the Senator from New Mexico [Mr. FALL];

The Senator from Missouri [Mr. REED] with the Senator from Michigan [Mr. SMITH];

The Senator from Arkansas [Mr. ROBINSON] with the Senator from Michigan [Mr. TOWNSEND];

The Senator from Tennessee [Mr. SHIELDS] with the Senator from Connecticut [Mr. BRANDEGEE]; and

The Senator from Montana [Mr. WALSH] with the Senator from New Jersey [Mr. FRELINGHUYSEN].

The result was announced—yeas 50, nays 12, as follows:

YEAS—50.

| | | | |
|------------------|--------------|------------|------------|
| Ashurst | Jones, Wash. | Myers | Sherman |
| Baird | Kellogg | Nelson | Smoot |
| Curtis | Kenyon | New | Spencer |
| Dillingham | Kirby | Norris | Sterling |
| Fernald | La Follette | Nugent | Sutherland |
| Fletcher | Lenroot | Penrose | Swanson |
| France | Lodge | Pittman | Thompson |
| Gay | McCumber | Poindexter | Vardaman |
| Gerry | McKellar | Pomerene | Warren |
| Gore | McLean | Ransdell | Watson |
| Henderson | McNary | Saulsbury | Wolcott |
| Johnson, Cal. | Martin, Va. | Shafroth | |
| Johnson, S. Dak. | Moses | Sheppard | |

NAYS—12.

| | | | |
|----------|-------------|--------------|-----------|
| Bankhead | Martin, Ky. | Simmons | Thomas |
| Beckham | Overman | Smith, Ga. | Underwood |
| Hardwick | Pollock | Smith, S. C. | Williams |

NOT VOTING—34.

| | | | |
|---------------|----------------|--------------|--------------|
| Borah | Goff | Knox | Smith, Md. |
| Brandegge | Gronna | Lewis | Smith, Mich. |
| Calder | Hale | Owen | Townsend |
| Chamberlain | Harding | Page | Trammell |
| Colt | Hitchcock | Phelan | Wadsworth |
| Culbertson | Hollis | Reed | Walsh |
| Cummins | Jones, N. Mex. | Robinson | Weeks |
| Fall | Kendrick | Shields | |
| Frelinghuysen | King | Smith, Ariz. | |

So the amendment of the committee was agreed to.

Mr. SIMMONS. Mr. President, I should have liked very much to take up this afternoon the section of the bill repealing the zone system; but several Senators who desire to submit some remarks upon that section of the bill do not wish to begin so late in the afternoon. I am advised that it is necessary to have an executive session, and, therefore, Mr. President—

Mr. SWANSON. Mr. President, before the Senator moves an executive session there are two bills on the calendar, which have been reported from the Naval Affairs Committee, that ought to be passed. We have saved some little time on the pending bill on account of not having had a morning hour, and I should like to have the bill laid aside temporarily in order that the bills on the calendar may be passed.

Mr. SIMMONS. I yield to the Senator for that purpose; and I ask unanimous consent to lay aside temporarily the unfinished business. I understand from the Senator from Virginia that the bills to which he refers will take only a few minutes.

Mr. SWANSON. Only a few minutes. I do not think there will be any objection to them. They are reported unanimously from the Naval Affairs Committee.

The PRESIDING OFFICER. Is there objection to laying aside temporarily the unfinished business? The Chair hears none.

PURCHASE OF UNIFORMS.

Mr. SWANSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 12945, providing for the purchase of uniforms, accouterments, and equipment by officers of the Navy, Marine Corps, and Coast Guard, and midshipmen at the Naval Academy, from the Government at cost.

Mr. NORRIS. Mr. President, let the bill be read.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That hereafter uniforms, accouterments, and equipment shall, upon the request of any officer of the Navy or any officer of the Marine Corps or any officer of the Coast Guard while operating with the Navy or any midshipman at the Naval Academy or cadets at the Coast Guard Academy, be furnished by the Government at cost, subject to such restrictions and regulations as the Secretary of the Navy may prescribe.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TEMPORARY PROMOTIONS IN THE MARINE CORPS.

Mr. SWANSON. I ask unanimous consent that the Senate proceed to the consideration of House bill 12916, to provide for the temporary promotion of commissioned officers of the Marine Corps serving with the Army.

Mr. KIRBY. Mr. President, I should like to have the bill read.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That commissioned officers of the Marine Corps detached for duty with the Army under the provisions of section 1621, Revised Statutes, shall be eligible, in the same manner as officers of the Regular Army, for temporary promotion to higher grades in any of the forces provided by the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917: *Provided,* That officers of the Marine Corps temporarily promoted to higher grades in any of the forces of the Army under the provisions of this act shall not thereby vacate their permanent appointments or commissions, or be prejudiced in their relative lineal standing in the Marine Corps: *Provided further,* That temporary vacancies in the Marine Corps caused by the appointment of officers to higher grades in the Army shall be temporarily filled in the same manner as is now prescribed by law: *And provided further,* That the temporary promotions herein authorized shall continue only while such officers are detached for duty with the Army.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. KIRBY. Mr. President, I should like to ask the chairman of the committee a question. What is the purpose of this sort of legislation with the war over and with the demobilization of the Marine Corps to a large extent in prospect?

Mr. SWANSON. Mr. President, the Marine Corps have been brigaded with the Army. They have several brigades that have been serving with the Army in Europe. They have served gallantly. This bill simply gives them the same right of temporary promotions that has been accorded to the Army. After they have been temporarily promoted in the Army the question arises as to whether they revert back to their permanent places in the Marine Corps, which is under the Navy; and the question also arises, after they have had these temporary promotions that have been accorded them on account of gallantry and superb conduct and bravery in the Army, as to whether their positions in the Marine Corps are thereby vacated. This bill gives them the right of having temporary promotions while serving with the Army equal to an Army officer, which is a right they ought to have. It then provides that when they have thus been promoted that fact shall not deprive them of the permanent positions which they had previously in the Marine Corps. It is a measure of justice and right, and the record of the Marine Corps is such that they are entitled to this consideration. The question has arisen as to whether they do not vacate their permanent appointments in the Marine Corps in case they are temporarily appointed to positions in the Army.

Mr. LODGE. Mr. President, I desire to say, if the Senator from Virginia will permit me—

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Massachusetts?

Mr. SWANSON. Certainly.

Mr. LODGE. It is true, I think, as the Senator from Virginia knows and other Senators perhaps do not know, that the Marine Corps is assimilated throughout on Army rank and Army pay; and this is simply to relieve what might be a very considerable injustice.

Mr. SWANSON. In addition to that the Marine Corps is legislated for in connection with the Navy and the positions that they can get in the Navy are fixed; and a question might arise as to whether these temporary appointments that have been or will be accorded them are in accordance with the law.

Mr. WARREN. Mr. President, I understand that this bill puts them on precisely the same plane as the Army?

Mr. SWANSON. Precisely, for temporary appointments. While serving with the Army they are entitled to temporary promotions like officers of the Regular Army—no more and no less. When they have these temporary appointments in the Army and are promoted as such the bill provides that they shall not vacate the appointments that they have in the permanent Marine Corps. I can see no objection to it. It is a matter of justice and right.

The PRESIDING OFFICER. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12863) to provide revenue, and for other purposes.

EXECUTIVE SESSION.

Mr. SIMMONS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened.

MEMORIAL ADDRESSES ON THE LATE SENATOR GALLINGER.

Mr. MOSES. Mr. President, I ask unanimous consent that the Senate shall convene on Sunday, January 19, 1919, at 11 o'clock a. m., to consider resolutions in commemoration of the life, character, and public services of the late Senator from New Hampshire, Hon. JACOB H. GALLINGER.

The PRESIDING OFFICER. Is there any objection? There is none, and it is so ordered.

RECESS.

Mr. SIMMONS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate took a recess until to-morrow, Thursday, December 19, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 18 (legislative day of December 15), 1918.

COLLECTOR OF INTERNAL REVENUE.

Charles J. Cronan, of Louisville, Ky., to be collector of internal revenue for the fifth district of Kentucky, in place of Thomas Scott Mayes, resigned.

MEMBER OF BOARD OF GENERAL APPRAISERS.

George E. Weller, of New York, N. Y., to be a member of the board of general appraisers of merchandise at New York, to fill an existing vacancy.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 18 (legislative day of December 15), 1918.

UNITED STATES ATTORNEY.

Julian P. Alexander to be United States attorney, southern district of Mississippi.

COLLECTOR OF CUSTOMS.

Richard I. Lawson to be collector of customs for customs collection district No. 38, with headquarters at Detroit, Mich.

COLLECTOR OF INTERNAL REVENUE.

Bertram Gardner to be collector of internal revenue for the first district of New York.

POSTMASTERS.

DELAWARE.

Rhubert R. German, Delmar.
Alfred L. Cummins, Smyrna.

LOUISIANA.

John D. Fultz, Newellton.
Jesse L. Fowler, Oak Grove.
Lillian E. Collins, West Monroe.
Thomas Siddon, Winnsboro.

OHIO.

George R. Irwin, Upper Sandusky.

OREGON.

Henry H. McReynolds, Pilot Rock.
Exel Vogel, Rainier.
Richard H. Yates, Willamina.
Guy W. Brace, Yamhill.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 18, 1918.

The House met at 12 o'clock noon.

The Rev. Earle Wildley, D. D., of the Vermont Avenue Christian Church, Washington, D. C., offered the following prayer:

O God, we pray Thee this morning that across the pathway of duty as it lies before us may shine the illumination of Thy holy will. We pray that among the nations of the earth Thy will may be known more and more as the days go by, and, when clearly known, may men be constrained to do it. Bless our own country as it strives to do Thy righteous will, and may those in authority and those who are in this Congress be pleased to find Thy will and be courageous to do it. So wilt Thou bless the deeds of this day in the Congress of our country. For Thy name's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

TRANSPORTATION OF GOVERNMENT EMPLOYEES—CONFERENCE REPORT.

Mr. SHERLEY. Mr. Speaker, I present a conference report on the bill H. R. 13261, and I ask unanimous consent to have it taken up without printing under the rules.

The SPEAKER. The gentleman asks unanimous consent to take up this conference report without having it printed under the rules. Is there objection?

Mr. WALSH. Reserving the right to object, has the gentleman made any other change?

Mr. SHERLEY. The House conferees receded from the amendment which gave 20 days in connection with the proving up of claims for transportation in place of lesser time, and the House agreed to the Senate amendment with an amendment touching the date that the act would be in effect. The House passed it as of the 31st of March; the Senate passed it as of the 15th of January, and the conferees agreed on the 20th of February.

The SPEAKER. Is there objection to the present consideration of this conference report? [After a pause.] The Chair hears none.

Mr. SHERLEY. Mr. Speaker, I ask that the statement be read in lieu of the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The following are the conference report and statement:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13261) providing for the transportation from the District of Columbia of governmental employees whose services no longer are required, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "February 20"; and the Senate agree to the same.

SWAGAR SHERLEY,
JOSEPH W. BYRNS,
FRED'K H. GILLET,

Managers on the part of the House.

THOMAS S. MARTIN,
O. W. UNDERWOOD,
F. E. WARREN,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13261) providing for the transportation from the District of Columbia of governmental employees whose services no longer are required, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee in the accompanying conference report as to each of the said amendments, namely:

On No. 1: Fixes February 20, 1919, instead of January 15, as proposed by the Senate, and March 31, as proposed by the House, as the date on or before which employees must be separated from the service in order to come within the benefits of the bill.

On No. 2: Extends the time from 10 to 20 days, as proposed by the Senate, within which employees who have been separated from the service between November 11, 1918, and the date of the passage of this act must apply for transportation.

SWAGAR SHERLEY,
JOSEPH W. BYRNS,
FRED'K H. GILLET,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

RETURN OF HOUSE BILL 12001 FOR CORRECTION.

Mr. STEELE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I have sent to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 483.

Resolved, That House bill 12001, having been passed by the House on the 13th instant and erroneously transcribed as fixing the salaries of circuit judges at \$7,500 instead of \$8,500 per annum, as fixed by the House, and so erroneously transcribed messaged to the Senate on the 16th instant, the Senate be respectfully requested to return same for correction.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

AVIATION RECORD, SOUTHER FIELD, AMERICUS, GA.

Mr. CRISP. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Georgia asks unanimous consent to address the House for not exceeding two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CRISP. Mr. Speaker and gentleman of the House, yesterday, when the Post Office bill was up for consideration, we had under discussion the question of aeronautic service. I was in the chair presiding over the committee and did not take part in the debate.

I have some statistics relative to one of the aviation camps, located at my home, Americus, Ga., that I think would be a valuable contribution to the debate, and I have asked this time to give you the benefit of those statistics.

The commandant of that camp is Maj. Carlisle Hilton Wash, a West Pointer, appointed from Minneapolis, Minn., and he himself a very distinguished flier. While at home during the recess of Congress he gave me these figures as to the record of Souther Field, Americus, Ga. The camp was completed this year, and cadets first arrived about May. From that time up to the 5th of November there were graduated as pilots from that camp 227 cadets. The cadets and officers of the camp had been in the air 20,000 hours. They had flown 1,200,000 miles, equivalent to about 50 times around the world, and with that record they had only one serious accident. I think this is the best record of any camp in the United States. [Applause.]

POST OFFICE APPROPRIATION BILL.

The SPEAKER. The gentleman from Tennessee [Mr. Moon] is recognized.

Mr. MOON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13308, the Post Office appropriation bill.

The SPEAKER. The gentleman from Tennessee moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13308, the Post Office appropriation bill, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 13308) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes.

The CHAIRMAN. When the House rose yesterday afternoon an amendment was pending, proposed by the gentleman from Iowa [Mr. GREEN], to which a point of order was made, and the Chair will recognize the gentleman from Iowa.

Mr. GREEN of Iowa. Mr. Chairman, for the purpose of saving the time of the committee by not offering further amendments, I ask unanimous consent to withdraw the amendment that was pending when the committee rose last evening and to offer a new amendment, which embodies all the points that I desired to raise. I will then offer no further amendments after this amendment is disposed of.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to withdraw his amendment and to offer a new amendment in lieu thereof. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Amendment to the Garrett amendment by Mr. GREEN of Iowa: After the word "aeroplanes," in the first line, strike out "\$59,825,000" and insert in lieu thereof "\$59,625,000"; after the word "exceeding," in the second proviso, strike out "\$500,000" and insert "\$300,000" in lieu thereof; and at the end of the amendment, after the words "aeroplane service," strike out the period, insert a comma, and add the following: "and that no part of this sum shall be expended for the maintenance or operation of the aeroplanes above directed to be delivered to the Postmaster General by the Secretary of War, which shall be operated and maintained by the personnel of the air service of the Army."

Mr. MOON. Mr. Chairman, I reserve a point of order on that.

Mr. GREEN of Iowa. Mr. Chairman, in this particular case, this matter having been gone over at some length, I ask that the gentleman from Tennessee [Mr. Moon] make his point of order now, so that we can dispose of it.

Mr. MOON. I do not know for sure that the point of order is well taken. I may withdraw it later, but I reserve it in the meantime.

Mr. EMERSON. Mr. Chairman, I would like to have the section read as it is now written.

Mr. GREEN of Iowa. I hope, Mr. Chairman, that this will not be taken out of my time.

The CHAIRMAN. Without objection, the Clerk will read the amendment of the gentleman from Tennessee [Mr. GARRETT] and then the amendment proposed by the gentleman from Iowa [Mr. GREEN]. Of course, it will not be taken out of the time of the gentleman from Iowa.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of Tennessee: Strike out all of the paragraph beginning with line 7 and insert:

"For inland transportation by railroad routes and aeroplanes, \$59,825,000: *Provided*, That not to exceed \$1,000,000 be expended for payment of freight and incidental charges for the transportation of mails conveyed under special arrangements in freight trains or otherwise"

Mr. GREEN of Iowa. Mr. Chairman, either the Clerk did not understand the direction of the Chair or I did not. I understood that the Chair directed that the Garrett amendment be read first and then that my amendment be read.

The CHAIRMAN. The Clerk is reading the Garrett amendment. The Clerk will read the Garrett amendment as it now stands before the committee, and after that is read he will read the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Mr. GARRETT of Tennessee offers the following: Strike out the paragraph beginning with line 7 and insert:

"For inland transportation by railroad routes and aeroplanes, \$59,825,000: *Provided*, That not to exceed \$1,000,000 be expended for payment of freight and incidental charges for the transportation of mails conveyed under special arrangements in freight trains or otherwise: *Provided further*, That out of this appropriation the Postmaster General is authorized to expend not exceeding \$500,000 for the purchase of aeroplanes and the operation and maintenance of aeroplane service between such places as may be determined: *Provided further*, That the Secretary of War is hereby directed to deliver immediately to the Postmaster General 100 De Havilland 4 aeroplanes, 100 Handley-Page, 10 Glen Martin day bombers, all planes completely assembled and with the necessary spare parts; also 100 extra Liberty engines with spare parts, 50 Hispano-Suiza engines with 300-horsepower motors, and 20 Hispano-Suiza engines with 150-horsepower motors, the same

to be out of any equipment that the War Department has on hand or under construction, the War Department appropriation to be credited with the equipment turned over to the Post Office Department: *And provided further*, That separate accounts be kept of the amount expended for aeroplane service."

The CHAIRMAN. The gentleman from Iowa proposes to add an amendment to follow this.

Mr. MANN. The Clerk did not finish reading the amendment.

The CHAIRMAN. The Chair begs the committee's pardon. The Chair thought he had.

Mr. MANN. The committee amended the amendment. That part has not been read yet.

Mr. GARRETT of Tennessee. The committee had adopted the Stafford amendment.

The CHAIRMAN. The Clerk omitted to read the Stafford amendment, adopted into the Garrett amendment. The Clerk will read it again. The Clerk will read the Garrett amendment with the Stafford amendment incorporated.

Mr. MANN. It came in at the end.

Mr. GARRETT of Tennessee. No; it came in the middle.

The Clerk read as follows:

The Garrett amendment, as modified by the Stafford amendment: Strike out the paragraph beginning with line 7 and insert:

"For inland transportation by railroad routes and aeroplanes, \$59,825,000: *Provided*, That not to exceed \$1,000,000 be expended for payment of freight and incidental charges for the transportation of mails conveyed under special arrangements in freight trains or otherwise: *Provided further*, That out of this appropriation the Postmaster General is authorized to expend not exceeding \$500,000 for the purchase of aeroplanes and the operation and maintenance of aeroplane service between such places as may be determined; and that the Postmaster General in expending the appropriation herein for aeroplane service shall purchase, so far as possible, the aeroplanes, motors, equipment, and supplies from the War Department and Navy Department when no longer required, because of the cessation of war activities. It shall be the duty of the Postmaster General before purchasing any of such articles to ascertain whether the War or Navy Department has articles of the character described that are serviceable, and articles purchased from either of said departments, if the same have not been used, shall be paid for at a reasonable price, not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage. Said departments are authorized to sell such articles to the Post Office Department under the conditions specified, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipt: *Provided further*, That the Secretary of War is hereby directed to deliver immediately to the Postmaster General 100 De Havilland 4 aeroplanes, 100 Handley-Pages, 10 Glen Martin day bombers, all planes completely assembled and with the necessary spare parts; also 100 extra Liberty engines with spare parts, 50 Hispano-Suiza engines with 300-horsepower motors and 20 Hispano-Suiza engines with 150-horsepower motors, the same to be out of any equipment that the War Department has on hand or under construction, the War Department appropriation to be credited with the equipment turned over to the Post Office Department: *And provided further*, That separate accounts be kept of the amount expended for aeroplane service."

The CHAIRMAN. The gentleman from Iowa offers an amendment to add to that amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GREEN of Iowa: After the word "aeroplanes" in the first line strike out "\$59,825,000" and insert in lieu thereof "\$59,625,000"; after the word "exceeding" in the second proviso strike out "\$500,000" and insert "\$300,000" in lieu thereof; at the end of the amendment, after the words "aeroplane service," strike out the period, insert a comma, and add the following: "and that no part of said sums shall be expended for the maintenance or operation of the aeroplanes above directed to be delivered to the Postmaster General by the Secretary of War, which shall be operated and maintained by the personnel air service of the Army."

Mr. GREEN of Iowa. Mr. Chairman, the effect of my amendment may be briefly stated by saying that it would carry out what was proposed by the gentleman from New York [Mr. LA GUARDIA]. The House has already voted, in effect, although the Garrett amendment has not actually been adopted, for the turning over to the Post Office Department of a large number of planes—I think altogether 150—by the War Department.

In the Garrett amendment as it stands there is a provision for the use of \$500,000 for operating and maintenance of aeroplanes by the Post Office Department. My amendment reduces the total carried by the paragraph \$200,000, and in order to make up for that reduction, in order to fix matters so that the reduction can be made, it provides that the planes which are turned over by the War Department shall be operated by the air personnel or air service of the War Department.

Some objection has been made when the question was brought up before that this is hardly practicable, that it can not be carried out, in fact. This argument has only been adduced by gentlemen, although of high ability and judgment, who never had any practical experience in military affairs or in the operation of aeroplanes. The two gentlemen who have spoken on the subject, who have large experience and, I think, are high authority on the subject, are the gentleman from Connecticut, Col. TILSON, and the gentleman from New York, Maj. LA GUARDIA. Col. TILSON has had a long experience in the management of military affairs as an officer in the service, and he says it is

entirely practicable; that there is not difficulty at all about carrying it out. Maj. LA GUARDIA has had extensive experience with aeroplanes, both in their operation and maintenance, and he says it is perfectly practicable and can be easily carried out. The House is aware, of course, that he is an experienced and highly successful flyer.

Mr. MOON. Will the gentleman yield?

Mr. GREEN of Iowa. Yes; with pleasure.

Mr. MOON. It seems to me that this is a postal matter and a postal function. What experience has Maj. LA GUARDIA or Col. TILSON in postal affairs?

Mr. GREEN of Iowa. If the gentleman will allow me to reply in the same manner, what experience has an engineer on a railroad in postal matters? And yet he is able to take the trains along and carry the mails.

Mr. MOON. That is not the question you are dealing with here.

Mr. GREEN of Iowa. Exactly; it is the operation and maintenance of planes which are provided for just the same as the engineer operates the engine and looks after its maintenance and repair.

Mr. CANNON. Will the gentleman yield?

Mr. GREEN of Iowa. With pleasure, to the distinguished gentleman from Illinois.

Mr. CANNON. The operation by the Army would not determine what mail should be carried, but that would be under the direction, so far as the service is concerned, of the Postmaster General.

Mr. GREEN of Iowa. Exactly.

Mr. CANNON. That was my understanding, and I wanted to be sure that I was right.

Mr. GREEN of Iowa. The distinguished gentleman from Illinois expressed the relation exactly. That is what would take place—the time the mail is to be carried, its destination, when it shall start, the amount that is to be carried—all would be under the direction of the Post Office Department. A great saving would be made thereby, and I have accordingly cut down the appropriation by my amendment.

Now, I wish to comment upon some of the remarks of the gentleman now in the chair before we went into Committee of the Whole this morning. He stated that in one of these aviation camps flights had been carried on sufficiently to carry a man in a straight line fifty times around the earth. Think of it! It was all to no purpose except to give the aviators experience in flying. Otherwise all this time was wasted, and probably a million dollars spent. Yet it might just as well have been used, as the gentleman from New York, Maj. LA GUARDIA, says, in the work of carrying the aeroplane mails as a part of the training for military operations. In the post-office work there would be no use of learning stunts necessary for the operation of machines in the air for military purposes, but as the gentleman from New York well remarked, in order to first perform these stunts it is necessary to have experience in straight flights, it is necessary to get accustomed to air currents in the handling of the aeroplane, and numerous other conditions that might all be learned by the operation of these planes in the post-office service.

I can see no good reason whatever for not accepting this amendment. The matter has been argued so well by other gentlemen that I do not care to dwell on the subject further.

Mr. MOON. Mr. Chairman, I reserved a point of order on the amendment, but I take it that probably the gentleman's amendment is in order coming under the provisions of the Holman rule, and I therefore will not insist on the point of order. But I want to insist to the House that it is not a good thing or a wise system of administration for the functions of one department to be performed by another and be under the control of another department of the Government. They ought not to be mixed in that way. It does not make for good government nor for a good service.

It evidently is true that those who are experienced as aviators would make the best drivers of machines for carrying the mails, but it does not necessarily follow because that class of men are in the service of the War Department that the War Department should take over the Postal Service that they might perform it. It might be well if a provision was made in the bill for the employment of these men in the Post Office Department and under the direction of the Postmaster General. It is very clear in my mind that differences between the departments will arise on matters of this sort, as they have already arisen between the officers of the War Department and the Post Office as to turning over these machines.

The War Department refuses absolutely to turn over the machines to the Post Office Department, notwithstanding the act of Congress, because within that act they have the discre-

tion to retain the machines. There is no desire in the world to do anything more than to promote to the utmost this service. It is an experimental service. It is one that may turn out to be valuable; it is one that we may feel later on we ought to discard; but the experiment wholly and completely ought to be under the jurisdiction of that branch of the Government that is carrying the mail, and the War Department ought not to have anything to do with it.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. MOON. It may be all right if you provide in some amendment a means by which we can use the aviators, but do not put the carrying of any part of this mail directly or indirectly under the War Department. It is not the proper place for it. I yield to the gentleman.

Mr. GREEN of Iowa. The gentleman refers to the fact that the War Department heretofore has refused to turn over these planes, but we have already in effect adopted a provision which would remedy that part of it.

Mr. MOON. I know, but I refer to it not that there may be so much trouble about it hereafter, but in order to refer to the fact that where a duty is imposed on two instead of one conflicts will arise, and they are more likely to arise from this matter than anything else.

Mr. GREEN of Iowa. The Postal Department has nothing to do with fixing the train schedules. Those are all fixed by the railway authorities. They determine when they shall run their trains, and then the Post Office Department simply put their mail on the train.

Mr. MOON. Oh, the gentleman is mistaken about that. The department has the power to fix the schedules by which this mail is carried on the train, and it did fix them for years, and I believe still fixes the schedules for special trains on the southern roads. As a rule the gentleman is correct—the railroads do fix their own schedules, and if it suits the convenience of the department well and good, but where it does not suit the convenience of the department an order is made through the department requiring certain trains to be run.

Mr. GREEN of Iowa. I was about to go further and say in this connection that under the provisions of my amendment the Post Office authorities would be given greater authority than they have over the running of the railroad trains.

Mr. MOON. Why do you want to tie them up with the War Department? Why not keep these departments separate?

Mr. GREEN of Iowa. To save money.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MOON. Yes.

Mr. GARRETT of Tennessee. The gentleman from Georgia directed our attention, before the House resolved itself into the Committee of the Whole, to the fact that a large number of these young men have been trained at a camp in his section. There will be hundreds of young men trained and hundreds have already been trained to this work of flying. As a matter of fact, I understand that already hundreds of them are seeking some kind of service, and appeals have been made to the State Department to see if they could not secure some sort of service abroad for them. Those men are discharged from the military service and are ready to enter civil life. From this group of men the Post Office Department can secure a personnel for this service, and if the exigency of war should arise those men would return to the military service. That would keep your departments separate and keep down any friction.

Mr. MOON. I am very much obliged to my colleague for his suggestion, but as a matter of government we ought in all instances to keep these departments separate and apart in order that the responsibility may rest upon one and not upon two for good service. It is a matter about which I have not the slightest feeling. I think that it is wise and best, if we want to promote that service, to let the Post Office Department have exclusive control. I believe if you do not do that it will finally result in the disorganization and possible discontinuance of the service, even though it may be a very fine service.

Mr. MANN. Mr. Chairman, I think I appreciate the feeling of the gentleman from Tennessee [Mr. Moon], yet I am not able to agree with him. I do not think the Green amendment interferes in any way whatever with the conduct of the Post Office Department or with their control over the air service. The Green amendment provides only that, as to aeroplanes which are turned over by the Army to the Postmaster General, they shall be operated and maintained by the personnel of the War Department. That personnel will have no control over the regulations in regard to the transportation of mail. The provisions for the transportation and location of routes and times of departure, the question of how the mail shall be delivered at

one end or obtained at the other will still be under the control of the Postmaster General.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. MANN. I would prefer to make a consecutive statement, if the gentleman will pardon me. This is merely the practical operation of the aeroplanes in the air. The Postmaster General retains all other authority. Not only that, but under the Green amendment the Postmaster General would have \$300,000 with which to operate an air service by civilians, if he desires to, under his own control. He can still continue his New York-Washington route under the operation of the same people now operating it. What is the sense of the Government having in its employ great numbers of men in the Army operating aeroplanes with nothing to do but to kill time or get themselves killed? Why should they not be authorized to transport the mails, if the Postmaster General desires to have it transported by aeroplane? Not only that, but we make special provision in case an Army officer is killed operating an aeroplane, and we make practically no provision in respect to civilians under the Postmaster General in case they are killed operating aeroplanes. Although I do not speak with knowledge, yet I have no doubt it will cost a great deal more to employ civilian aviators, per man, than it will Army aviators.

Mr. MOON. Mr. Chairman, will the gentleman yield?

Mr. MANN. I prefer to make a consecutive statement. Whether that be the case or not, there is reason for it. It will eventually be the case, if we pursue the system, because we must take into consideration the danger of the service. You can not expect men to volunteer in a service which is liable or likely sooner or later to cost them their lives unless they receive higher compensation than they would for other services. Here is a practical business situation. It is idle to say that in a Government like ours we are unable to coordinate two branches of the Government and, therefore, must duplicate the work of the two. It is a reflection upon the Government itself and upon our form of Government if we beg the question by saying that we have the capacity to do the work with the War Department, but, forsooth, because they may not be able to agree between the War Department and the Post Office Department, therefore we leave the War Department service idle and build up a new service for the Post Office Department.

If that is the contention of the gentleman from Tennessee, instead of making it he ought to endeavor to provide a way to avoid the trouble. If we have reached that point in government where we are so complicated, so involved, that we have to duplicate services, for God's sake let us endeavor to simplify the work of government instead of going ahead with uneconomical, extravagant duplications. [Applause.]

The CHAIRMAN. The Chair had agreed to recognize the gentleman from Illinois [Mr. CANNON], if he desires it.

Mr. CANNON. I will apply for recognition later.

Mr. BLACK. Mr. Chairman, I think my record in the House will establish that I stand for economy as much as the average Member. But this proposition to place one branch of the Postal Service under the control of the military branch appeals to me as an unwise proposition, and would neither effect economy or efficiency. The gentleman from Illinois [Mr. MANN] asks the question, Why have a number of aviators in the Army with nothing to do but fly? It might be just as reasonable to ask the question, Why have men in the Regular Army with nothing to do but fight? Why not put them out to building roads? If you have got men in the Army who are railroad engineers, why not detail them to Director General McAdoo and put them to running the trains of the country? The gentleman from Illinois might as well ask the question, If you have got men in the Navy of the United States in time of peace with nothing to do, why not transfer them to the merchant marine and private merchant ships instead of using them on our great battleships that sail the seas? There is no logic, gentlemen, for his argument. The Army and the Navy ought to keep in times of peace only enough men in the Aviation Service that is deemed wise and prudent as a nucleus for expansion in time of war. We certainly would not need to keep them in the Army to run the Postal Service. That would be about as foolish a proposition as I ever heard of.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BLACK. I yield to the gentleman.

Mr. GREEN of Iowa. As far as the comparison the gentleman makes with reference to the merchant marine, I think it might well be operated by the Navy under certain circumstances. Now—

Mr. BLACK. Let me answer the gentleman's question before I yield further. Would the gentleman advocate the putting of our battleships in dry dock during time of peace and turning over our Navy personnel to the merchant marine?

Mr. GREEN of Iowa. Oh, yes; I am going to advocate the putting of a large number in dry docks. That is where they ought to be.

Mr. BLACK. I do not know what Congress will decide as to the future size of our Navy, but whatever that may be, I think it will be operated as a naval service and not a merchant marine.

Mr. GREEN of Iowa. The operation of these aeroplanes will be in a direct line with what these aviators will be doing in the Army.

Mr. BLACK. That may be true, but when they go out of the Army, as many of them will do very soon, they will be qualified to enter this Postal Service as civilian employees. Would that not be more in harmony with American precedents? Now, let me reply to one argument the gentleman from Iowa made. He cites the fact that the railroad companies in transporting the mail are not under the jurisdiction of the Postal Service. That is very true, but the gentleman will no doubt bear in mind that the men on the railway trains that have charge of the mail matter are the railway mail clerks, who are absolutely under the control of the Post Office Department and subject to its disciplinary rules and paid by its revenues.

Mr. GREEN of Iowa. Does not the gentleman realize that an officer of the Post Office Department will be the person who will go with these aeroplanes and be in charge of the mail? The operator can not handle these sacks and attend to this.

Mr. BLACK. It is not at all necessary there be any distinction between the operator and the man who handles the sacks. All of these men ought to be under the control of the Postal Service. Why, gentlemen, if you adopt the Green amendment you will have men transporting the mail who are under the control and direction of the Secretary of War. If it should not suit their convenience to fly on a certain day, how is the Postmaster General going to give them orders that would be obeyed? It does not seem to me that there is any logic at all in the gentleman's position that the War Department should furnish the personnel to operate this aerial mail service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLACK. I would ask for two minutes more.

The CHAIRMAN. The gentleman requests that his time be extended for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLACK. I want to bring out this point: In the hearings before our committee it was developed that the Post Office Department has in mind the perfecting of an aeroplane whereby some mail can be assorted in transit, so that it will be ready for delivery when it reaches its destination in these large cities. In railway mail transportation a great deal of the mail is assorted in transit, and that is why its delivery is so rapidly expedited when it reaches its destination. Now, are we going to have these men, who are under the control of the Army—are we going to have them trained to the distribution of mail? I submit—

Mr. LaGUARDIA. If the gentleman will permit, can the gentleman enlighten us and give any details as to the improved machine which will deliver mail in transit?

Mr. BLACK. I want to say this: It is expected that the Post Office Department will be wise enough to make improvements in the service, and it is not expected that it will remain stationary and immovable. Of course the Post Office Department expects—

Mr. LaGUARDIA rose.

Mr. BLACK. I do not yield.

Mr. LaGUARDIA. They will have to show a more marked improvement in the service than they have shown for the last hundred years.

Mr. BLACK. I do not yield for any observation of that kind. The Post Office Department expects to develop this service and make a useful, practical thing out of it, and therefore we ought not to tie their hands, but ought to put it under the exclusive jurisdiction of the Post Office Department. If it succeeds, then the Post Office Department can take the credit. If it fails, the responsibility will be theirs. Looking at any phase of the matter, I do not think there should be a divided responsibility. [Applause.]

Mr. CANNON. Mr. Chairman, the Post Office Department does a very valuable service. The mails are carried and practically the great service of delivering the mail matter is through the railways. Of course we have the star service, let by contract. You have all the employees of the department that deliver the mail when it arrives at its destination, the carriers, and so forth, but I want to submit that this is an experiment. Why, think of it! An hour and 30 minutes from New York over here, so they say. Of course it takes more than one man. There will be an employee to care for the mail, so far as the

delivery is concerned. The flier himself can not run his machine and handle the mail and deliver it. Of course we have traveling post offices on the railroad for distributing the mail, and so forth. Now, I do not know, I have my doubts, very serious doubts, with the telegraph and the telephone and the rapid railroad transit, whether this service will prove to be a valuable service, for the reasons assigned by my colleague from Illinois, and I heartily agree with him and with his reasoning in the premises.

I want to say another thing. The Postmaster General—and I have no attack to make on him personally—is for absorbing permanently railroads, telegraphs, telephones, and the air service. He is a radical Government-ownership man. Now, as we have these planes and as we have the men in the Army that would be glad, and more than enough, to operate them, men who are skilled already, trained, and we have 3,000 planes in this country, far more than would be used for the coming year, I want to submit, with all that Congress has to do in unscrambling the eggs, that this experiment can be tried, and tried with far less expense, tried by people who will fairly try it, so far as the operations of the machines are concerned, with those who are educated for it; and, of course, the mails would go under the direction of the Postmaster General.

Mr. AYRES. Will the gentleman yield for a question?

Mr. CANNON. Yes.

Mr. AYRES. Two departments have experimented with it. One has made practically a failure of it, and the other has met with fairly good success. Which would the gentleman prefer? That is the record made by the War Department and also by the Post Office Department.

Mr. CANNON. The two departments. All the Army would do with these planes that are under the direction of the Army would be to let the planes be operated by those who are already trained at the Government expense, and they could be operated less expensively in trying out this experiment than to let the Postmaster General train a lot of people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I would like two or three minutes further.

Mr. STEENERSON. Mr. Chairman—

Mr. MOON. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Illinois be extended for five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the time of the gentleman from Illinois be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CALDWELL. Mr. Chairman, I would like to have the amendment read.

The CHAIRMAN. It has been reported twice. If the gentleman desires it, when the gentleman concludes the Chair will have it reported again. The gentleman from Illinois [Mr. Cannon] is recognized.

Mr. CANNON. There is no more trouble in operating these planes by men in the service of the Army, already trained, than there is in operating the railways. The same argument that would prevent us in adopting this amendment would apply to the Government taking over the railroads.

Mr. MOON. May I interrupt the gentleman?

Mr. CANNON. Certainly.

Mr. MOON. I want to ask the gentleman what his construction of the amendment of the gentleman from Iowa [Mr. Green] is? Is he of the opinion that by the terms of that amendment the War Department would simply be compelled to turn over to the Post Office Department machines and aviators to be directed and controlled by the Post Office Department? Is that the extent of it?

Mr. CANNON. Oh, no. As I understand the amendment, it would require the Army, which owns, so to speak, the planes, to have the trained men in the service of the Army to operate these planes as the Postmaster General might direct.

Mr. MOON. Then there would be no objection to placing at the end of this amendment, "under the control and direction of the Postmaster General"?

Mr. CANNON. Not at all, except this—

Mr. GREEN of Iowa. I would have no objection.

Mr. CANNON. So far as this is concerned, under the control and direction of the Postmaster General, not that he could remove an aviator, not that he could appoint an aviator, not that he could build an aeroplane, because, God knows, we have 3,000 of them in this country and I do not know how many in France, costing multiplied millions of dollars. I think they have spent for aviation something in the neighborhood of a billion of dollars. I do not want to place the operation and the flying of these machines under the Postmaster General. I am perfectly willing—and the amendment, as I understand it, would allow it—

for the Postmaster General to establish the routes, whether they go to Chicago, whether they fly across the continent, or wherever they may be, in trying out this experiment. The Army would have no power in the premises touching that matter. And the Army, under the amendment, would be compelled to furnish the aeroplanes upon the routes as prescribed by the Postmaster General.

Mr. CALDWELL. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. CALDWELL. Does the gentleman know how many men there are in the Aviation Service who will be in four months after the terms of peace are signed?

Mr. CANNON. Enough of them, and five times over, to do this service, and men that are trained.

Mr. CALDWELL. Are not many of the men who are there now practically reserve officers, who came in under emergency legislation, and four months after peace is declared go out of the service?

Mr. CANNON. After all that is said, there are plenty of them there to operate all the machines and try out this experiment. I do not want to go and buy a lot of aeroplanes. I do not want to build aeroplanes. We have them already, and God knows, with the great burden that we are under to care for the interest on the public debt, to pay our debts, to bear all the burdens that result—and we are not going to shirk any of them—from this great struggle, I believe in being somewhat economical when it does not impair the public service. And therefore I shall vote for this amendment. [Applause.]

Mr. STEENERS. Mr. Chairman, the Garrett amendment, as I understand it, provides already that these machines shall be turned over by the War Department to the Post Office Department, and the Green amendment provides that the sum of \$300,000 shall be expended for maintenance and operation, and provides that no part of it shall be expended for the maintenance or operation of the aeroplanes above directed, to be delivered to the Postmaster General by the Secretary of War, which shall be operated and maintained by the personnel of the Air Service of the Army. Now, it strikes me that creates an inconsistency. I have the greatest confidence in the judgment of the gentleman from Illinois [Mr. CANNON] and his colleague [Mr. MANN] and the gentleman from New York [Mr. LA GUARDIA] as to what should be done in regard to this aeroplane service. But I want to call attention to the fact that this money is taken out of the appropriation for transportation of mail by railways.

Now, the railway transportation of the mail is a contract service. The Post Office Department makes a contract. It may not be wholly voluntary on the part of these railroad companies, but it is considered a contract service; and the railroads agree to carry the mail at such and such a compensation, they furnishing all the machinery and the engines and the cars and the space that is required and all the equipment, and mail cars of steel, and the equipment for the distribution of mail, and so forth, all complete, with engines and cars and tracks and everything. They agree to furnish it at so much per pound, or at so much according to space, and the Post Office Department has the privilege of putting the clerks on to distribute the mail.

This amendment provides, first, that you compel the War Department to turn over flying machines to the Post Office Department, and then you compel the Army or the War Department to supply some of their personnel as aviators to run these machines, which the War Department has no control over. They will have been turned over to the Post Office Department.

Now, what can be the object of that? If you are going to have something analogous to the main provision relating to the Railway Mail Service, you want to require that the Post Office Department should enter into a contract with the War Department for carrying the mail by air. Then the airplanes would not have to be turned over to the Post Office Department, and the department which owns the airplanes would have the responsibility of keeping them in repair and would have responsibility for the safety of the fliers. As it is now, you compel the Army aviator to ride in a plane that is inspected and repaired and kept in condition by the Post Office Department.

There is no necessity for it. If you use any logic in this proposition, it would require that the Post Office Department do it all, simply requiring that the Post Office Department act as the proprietor of the business and let out a contract of carrying the mail by air, just as you let out contracts for carrying the mail by railway or steamboat or star route or motor-truck route or any other contract service.

It seems to me, if you adopt either of these amendments—and I should like to support them, deferring to the opinion of the gentleman from New York [Mr. LA GUARDIA] and the opinions of the gentlemen from Illinois [Mr. CANNON and Mr. MANN]—you will involve us in an inconsistency and illogical situation

that will require the War Department to furnish aviators to operate machines over which they have no control, although they are responsible for the life and safety of the personnel. The Post Office Department would not have the facilities, anyway, to take as good care of these machines as the department that owns them has, and the turning them over to the Post Office Department is superfluous and unnecessary.

Mr. FORDNEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. FORDNEY. Mr. Chairman and gentlemen, I will be very brief, but I believe that the time for spending the people's money extravagantly, without questioning the purpose for which it is raised and spent, is nearly at an end.

During the war all men in Congress were patriotic and raised no question as to what use the people's money was going to be put in carrying on the war. Much of it has been extravagantly spent and hereafter will be accounted for with much criticism, perhaps.

I believe that to delegate to the Postmaster General the power to establish a system of mail carriage by the air service means the expenditure of not a few million dollars, but more than a billion dollars before long.

Personally—I speak for myself—I believe that it would be wise to place all of the air service under one department, a separate department. I do not believe it would be wise to delegate to the Postmaster General this authority and this power. He is wholly inexperienced and all the men under his control or in the Postal Service are inexperienced in the air service. We do have now some experienced men in the War Department, some experienced men in the air service.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield right there?

Mr. FORDNEY. Yes, sir.

Mr. GREEN of Iowa. I will say that if my amendment does not prevail the Postmaster General will have a great deal more power than he would have otherwise.

Mr. FORDNEY. I agree with the gentleman. I am speaking in the interest of the gentleman's amendment. I concur with him in his views.

Now, to point out the incompetency of some men, let me tell you what may happen if we give this power to the Postmaster General. I had occasion a few days ago to ask for certain information about certain Army supplies. I found that at the time the armistice was signed we had 128,000 Cavalry horses owned by the Government. We had on hand 1,050,000 saddles for those 128,000 Cavalry horses.

Now, I mention this to show the incompetency of some men back of the management of these affairs. I will only mention that, but I could stand here and give you a dozen more illustrations of supplies on hand quite equal to the extravagance that I have mentioned in the purchase of Army supplies.

Mr. MOON. That was not the Post Office Department. It was the War Department.

Mr. FORDNEY. Oh, it was another instance of incompetency. I have no faith in the Postmaster General's knowledge of the air service in handling the mail, and therefore I am opposed to giving to him this great power to spend the people's money.

The time has come, my friends, when patriotism no more appropriates the people's money. I have stood here, as other men have, and voted for taxing the people to the extreme for money to carry on successfully this war, and we have succeeded. Now comes the time, my friends, to scrutinize closely the expenditure of large sums of money by this Government.

Mr. STERLING. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Pennsylvania?

Mr. FORDNEY. Yes; I yield.

Mr. STERLING. I would like to ask the gentleman if he proposes, in the line of the Green amendment, to make this experiment of carrying the mails by air with the War Department rather than with the Postmaster General?

Mr. FORDNEY. My good friend, it is useless for me to go over the ground that has been so thoroughly discussed here, and that is this: I do not want to interfere with the Postmaster General's management of the mails—

Mr. STERLING. I understand.

Mr. FORDNEY. But—wait a minute; you have asked a question; let me answer you—there is no more comparison between the two propositions than there is between the sun and the moon. The Army can manage the airplanes. Let the Postmaster General handle the mails, just as it is now handled on the railroads and on the steamboats of the country.

Mr. STERLING. I have great respect for the gentleman's position on all matters, because of his experience in business.

Mr. FORDNEY. I thank you.

Mr. STERLING. What I am trying to find out is, if the experiment is made under the supervision and control of the War Department and it proves to be a success, would it continue under the operation and control of the War Department? And does the gentleman believe, after all that the American people have sacrificed, not only in money but in lives and in the bodies and health of the men, that the people of this country are ready to turn over the control of any civil department to military operation and control?

Mr. FORDNEY. Mr. President, I have stated that personally I am in favor of establishing a separate department for the air service.

Mr. SHERLEY. Yes; I think that is all right; but the gentleman would not turn it over to the military, would he?

Mr. FORDNEY. I have said, and I repeat, that the Army has experimented and does have some knowledge of the air service.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FORDNEY. Mr. Chairman, I ask for just one minute more.

The CHAIRMAN. Is there objection?
There was no objection.

Mr. FORDNEY. Whatever experienced men we have now in the service are in the Army and the Navy and not in the Post Office Department. Therefore, if we put the control of aeroplanes under the War Department we will start out with some experienced men, whereas if we give the Postmaster General this power, he must learn the whole business, as must all the men who come under his control.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes; although I have but a minute.

Mr. GARRETT of Tennessee. Hundreds of men who have been trained in aviation are being discharged from the military now.

Mr. FORDNEY. That is true, and rightfully so. I am in favor of discharging the men more rapidly than we are, but I presume all the machinery that is available is set at work in discharging our men now. That does not enter into this question at all.

Mr. GARRETT of Tennessee. Precisely. I think it does, because from that force the Postmaster General can draw experienced men to operate these machines.

Mr. MOON. Mr. Chairman, this matter has been discussed two or three hours, and all time allowed under the rules for the discussion of amendments long since has passed. I move that debate be now closed and that we take a vote on the proposition.

Mr. SISSON. Mr. Chairman, I would like to have five minutes.

The CHAIRMAN. The motion of the gentleman from Tennessee is a privileged motion. The gentleman moves that debate on the paragraphs and amendments thereto be now closed.

Mr. MOON. It is on this amendment and all amendments thereto.

The CHAIRMAN. That is the way the Chair stated it—on the paragraph and all amendments thereto.

Mr. MANN. Do I understand that the gentleman moves to close debate on the paragraph and all amendments thereto?

Mr. MOON. I move to close debate on this amendment.

Mr. MANN. I understood the gentleman was desirous of having an amendment offered to this amendment.

Mr. MOON. I have no objection to that, without debate.

The CHAIRMAN. The gentleman's motion, as stated by the Chair, was to close debate on the paragraph and all amendments thereto.

Mr. MOON. Mr. Chairman, I am going to modify that motion just a little. The gentleman from Iowa, I understand, wants to offer an amendment to his amendment, and I am willing to have that done. The gentleman from Mississippi desires five minutes, as does the gentleman from Connecticut [Mr. TILSON], and I move that all debate close on this amendment and all amendments thereto in 10 minutes.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman let me have three minutes?

Mr. MOON. No; we have talked about this too much now.

The CHAIRMAN. The gentleman from Tennessee moves that all debate on the paragraph and all amendments thereto close in 10 minutes.

The question was taken, and the motion was agreed to.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to modify my amendment. The gentleman from Tennessee has indicated that he would like to see a modification of it, and, as I understand, said that if that modification were made there would be no objection on his part.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to modify his amendment. Is there objection?
There was no objection.

The CHAIRMAN. The gentleman will state his modification.

Mr. GREEN of Iowa. Add at the end of my amendment the words "under the control and direction of the Postmaster General."

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modify the amendment offered by Mr. GREEN of Iowa by adding at the end thereof the words "under the control and direction of the Postmaster General."

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to further modify my amendment. The gentleman from Illinois [Mr. MANN] whom we all know is an expert in drafting legislation has suggested that the word "which," after the words "Secretary of War" in my amendment, might possibly not be construed as a direction, but simply as a part of the limitation, which I did not intend, and he suggests that the words "but such machines," be substituted for that word. I ask unanimous consent to so modify the amendment.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to further modify his amendment as indicated by him, and the Clerk will read the suggested modification.

The Clerk read as follows:

Strike out the word "which," after the words "Secretary of War," and insert in lieu thereof "but such machines."

The CHAIRMAN. Is there objection to the modification?

There was no objection.

The CHAIRMAN. There are four minutes of the time of the gentleman from Iowa left, and the Chair will recognize the gentleman from Connecticut.

Mr. TILSON. Mr. Chairman, I hope the membership of the House will bear in mind that the air service in the War Department must go on, whether it carries the mail or not. It must go on so that we may have as a part of our national defense a well-trained, adequate air service. It is unthinkable that we should stop now and let this most important branch of our military service dwindle or decay. Unless we keep men engaged in it all of the time we are not going to have a trained air service. Therefore let us start with the proposition that, at any rate, we are going to have an air service in the War Department, that we are going to have plenty of trained fliers in the War Department, and that we are going to keep them flying, whether the mail is carried or not, whether the Post Office Department has an additional air service or not. If we have that, then, as a matter of economy, as a matter of good, sound business judgment, it seems to me the thing for us to do is to let that service, which must be flying anyway, carry the mail, as it can be done with little additional expense to the Government. In my judgment, no sufficient reason has been advocated here why that service, which must go on, should not also perform this additional service. For that reason it seems to me to be unwise for us to start here another department doing the very same work.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. TILSON. Certainly.

Mr. LAGUARDIA. Is it not true that the flying is the smallest part of aviation; that the great expense is the maintenance and repair; and if the Post Office were to take over the machines to be delivered to it, it has no facilities to take care of the machines or for repairing them—machines worth millions of dollars? The Post Office Department has no shops and no mechanics to take care of them.

Mr. TILSON. The gentleman is entirely correct and speaks with knowledge based upon a wonderful experience in the military service. We must maintain a repair and maintenance service to keep these machines going, and it must be done under the War Department, whether there is any postal air service or not.

Mr. CALDWELL. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. CALDWELL. Is it not a fact that if the repair business is done under the Army it will be done by enlisted men as soon as the Army is demobilized, and you will have enlisted men competing with organized labor?

Mr. TILSON. Such work must be done in this service just the same as in any other branch of the military service. The

maintenance of the air service in a high state of efficiency, in peace as in war, is more important because it takes more expert training to fit a man to perform these duties than in any other branch of the military service.

Mr. Sisson. Mr. Chairman, I am very much interested in this aeroplane service. I am interested in the development of the service so that it may carry the express and the fast mail, and I look in time for it to carry passengers. But in my own mind I believe it to be unthinkable that you should turn over to the Post Office Department this branch of the military service of the War Department. I think it will result in a failure if you permit the War Department to have the training, manufacture, and control of aeroplanes until it gets into this service. So far as economy is concerned, everyone of you gentlemen know that there has not been an ounce of economy in the War Department in the time of peace. The training of the Army and the naval officers never made for economy. They have been educated by a Government that is rich; all Army engineers have been educated by a rich Government, and they never look at economical means to accomplish results. What they want is the result. Ask the man who built the canal and he will tell you that that is one of the faults that the Army engineers have had. If you want economical service, if you want efficient service, if you want to develop the aeroplane service, let the Post Office Department take advantage of it, assemble the experts, whose whole business will be not only to carry the mail but to develop the proper plane for economical and efficient carrying of the mail. If you permit the War Department to spend its time and energy in developing planes for military and bombing purposes, you will not have the experience in experimental matter in machines for carrying the mails; you will not get the imagination necessary for that development. You will make a mistake and you will be doomed to failure if you permit the development of the plane and the fliers to be left to the military arm of the service.

Another thing we must guard against in this demobilizing period is that we want to get the Government back into peaceful pursuits. I am one who will never admit that the Army or the Navy can do things in civil life as well as men in civil life. If this is granted in one instance, it will be asked for in others; and why not let them run the railroads, why not let them run the factories, why not let the Army run all the different departments of the Government and have a military government?

Mr. Madden. Will the gentleman yield?

Mr. Sisson. I can not yield now.

Mr. Madden. I want to help the gentleman.

Mr. Sisson. Well, the gentleman can help me by voting.

Mr. Madden. I will do that.

Mr. Sisson. It will not do to let the military nose get under the tent, and the next Congress may be more militaristic than this if you adopt this amendment.

When this war is ended I hope to see the Army reduced to a minimum. If you love peace and want to develop this along peaceful lines, let us not encourage a more extensive Army.

They say that the aviators in the Army will not have much to do. I do not believe—and perhaps I have no right to speak, not being an expert, but I have a right to my opinion—that mere flying in carrying the mails will not develop a fighting man in the air. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired and all time has expired. The Chair will state the proposition before the committee to be passed upon: The gentleman from Pennsylvania [Mr. ROBERTS] offered an amendment to strike out certain lines in a paragraph of the bill. To that amendment the gentleman from Tennessee [Mr. GARRETT] offered a substitute. The substitute has been amended by the committee by the adoption of the Stafford amendment to the substitute. There is now pending to the substitute offered by the gentleman from Tennessee an amendment proposed by the gentleman from Iowa [Mr. GREEN], which will first be voted upon. The Chair will direct the Clerk to report the amendment of the gentleman from Iowa [Mr. GREEN].

Mr. GRAHAM of Illinois. Can we not have the paragraph read as it will read when amended.

The CHAIRMAN. The paragraph is stricken out and this is an entirely different proposition.

Mr. GRAHAM of Illinois. Can we have the Garrett amendment reported with the amendment of the gentleman from Iowa?

Mr. GARRETT of Tennessee. Mr. Chairman, that has been twice read this morning.

Mr. GRAHAM of Illinois. I admit that, but I was busy about something else.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the substitute offered by the gentleman from Tennessee as amended be again read. Is there objection?

There was no objection.

The Clerk again read the substitute as it would read if amended.

The CHAIRMAN. The vote will first be taken on the amendment to the substitute offered by the gentleman from Iowa [Mr. GREEN].

The question was taken; and on a division there were—74 ayes and 80 noes.

Mr. GREEN of Iowa. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from Tennessee [Mr. MOON] and the gentleman from Iowa [Mr. GREEN].

The committee again divided; and the tellers reported there were—ayes 96, noes 82.

So the amendment was agreed to.

The CHAIRMAN. The question now recurs on the adoption of the Garrett substitute as amended for the Robbins amendment.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. CALDWELL) there were—ayes 110, noes 6.

So the substitute was agreed to.

The CHAIRMAN. Now, the question is on agreeing to the Garrett substitute as amended.

The question was taken, and the Garrett substitute as amended was agreed to.

The Clerk read as follows:

Railway Mail Service: For 15 division superintendents, at \$3,250 each; 2 assistant superintendents, at \$2,350 each; 15 assistant division superintendents, at \$2,250 each; 115 chief clerks, at not exceeding \$2,100 each; 422 clerks, grade 10, at not exceeding \$1,800 each; 1,922 clerks, grade 9, at not exceeding \$1,700 each; 375 clerks, grade 8, at not exceeding \$1,600 each; 7,703 clerks, grade 7, at not exceeding \$1,500 each; 952 clerks, grade 6, at not exceeding \$1,400 each; 1,737 clerks, grade 5, at not exceeding \$1,300 each; 2,721 clerks, grade 4, at not exceeding \$1,200 each; 60 clerks, grade 3, at not exceeding \$1,100 each; 4,666 clerks, grade 2, at not exceeding \$1,000 each; 1,164 clerks, grade 1, at not exceeding \$900 each; in all, \$28,385,500: *Provided*, That railway postal clerks shall be credited with full time when deadheading under orders of the department, and the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum; and, to enable the Postmaster General to reclassify the salaries of railway postal clerks and make necessary appointments and promotions, he may exceed the number of clerks in such of the grades as may be necessary: *Provided*, That the number of regular clerks in the aggregate as herein authorized be not exceeded.

Mr. BLACK. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, line 15, after the word "railway" insert "and substitute railway."

Mr. BLACK. Mr. Chairman, the purpose of the amendment I have offered is to enable the Post Office Department to credit substitute railway postal clerks for full time when deadheading under orders of the department; and in respect to the amendment I will state to the committee that the Second Assistant Postmaster General says that he now has no authority to credit a substitute with his time while he is deadheading under orders of the department, and that in many cases a hardship is thereby done the substitute, and he favors an amendment of this kind. I do not think it is necessary to argue it any further, unless the committee should have some objection.

Mr. MOON. Mr. Chairman, I see no reason why the amendment should not be agreed to.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For miscellaneous equipment and supplies, including the purchase and repair of furniture, letter boxes, package boxes, posts, trucks, baskets, satchels, straps, letter-box paint, baling machines, perforating machines, duplicating machines, printing presses, directories, cleaning supplies, and the manufacture, repair, and exchange of equipment, the erection, manufacture, repair, and painting of letter-box equipment, and for the purchase and repair of presses and dies for use in the manufacture of letter boxes; for miscellaneous expenses in the preparation and publication of post-route maps and rural-delivery maps or blue prints, including tracing for photolithographic reproduction, and the Postmaster General may authorize the sale to the public of post-route maps and rural-delivery maps or blue prints at the cost of printing and 10 per cent thereof added; the proceeds of such sale to be used as a further appropriation for the preparation and publication of post-route maps and rural-delivery maps or blue prints; of this amount \$1,500 may be expended in the purchase of atlases and geographical and technical works, and for other expenditures necessary and incidental to post offices of the first, second, and third classes, including offices of the fourth class having or to have rural-delivery service, \$480,000.

Mr. ROBBINS. Mr. Chairman, I want to ask the gentleman in charge of this bill if they have adopted any standard for

rural mail boxes? Do they require any uniform manufacture, make, or form in the case of these boxes?

Mr. MOON. What item, what page?

Mr. ROBBINS. In this paragraph they refer to letter boxes.

Mr. MOON. On page 20, is it?

Mr. ROBBINS. It is on page 20. It seems to be covered in this paragraph. Is there any uniformity required in the rural boxes that are put up by the patrons of the rural routes?

Mr. MOON. Well, I think the department has heretofore indicated the character of box that might be used upon a route, but there is no requirement.

Mr. ROBBINS. There is no required form other than that those placed by the patron should be accessible to the carrier?

Mr. MOON. I think so.

The Clerk read as follows:

For rental, purchase, exchange, and repair of canceling machines and motors, mechanical mail-handling apparatus, and other labor-saving devices, including cost of power in rented buildings, and miscellaneous expenses of installation and operation of same, including salaries of five traveling mechanics and for per diem allowance of traveling mechanics while actually traveling on official business away from their homes and their official domiciles at a rate to be fixed by the Postmaster General, not to exceed \$4 per day, \$337,000.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. May I inquire of the chairman of the committee, in reference to the rental of these canceling machines, what the annual rental is, what the purchases amount to now in place of rental, and if it is the policy of the department to purchase these machines instead of renting them whenever it is possible to do it?

Mr. MOON. Well, the department says in the hearing:

Estimate of the department is \$337,000, a decrease of \$86,000. That decrease is due to the fact that the department is now operating its own canceling machines. There will be no rented canceling machines in the Postal Service after December 31, 1918.

Mr. FOSTER. So they are not purchasing any at all?

Mr. MOON. They are not buying any at all.

Mr. FOSTER. Can the gentleman inform the committee how much these machines are costing—these large machines?

Mr. MOON. The individual machine?

Mr. FOSTER. Yes.

Mr. MOON. No; I can not. It is in the hearing, perhaps, but I do not recall it.

Mr. FOSTER. I withdraw the pro forma amendment.

The Clerk read as follows:

For experimental motor vehicle truck service in such localities of the United States as the Postmaster General may select, the establishment and extension of such service, the improvement of highways, the purchase, manufacture, exchange, and repair of equipment, supervision and maintenance, and expenses incidental to conveyance and marketing of produce and commodities, \$1,000,000.

Mr. STEENERSON. Mr. Chairman, I move to strike out the words "the improvement of highways."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 18, after the word "service," strike out the words "the improvement of highways."

Mr. MOON. Mr. Chairman, I hardly think it is necessary to take any time on that. I think that motion is a very good one, and I think it ought to be stricken out.

The question was taken, and the amendment was agreed to.

Mr. STEENERSON. Mr. Chairman, I now move to strike out "\$1,000,000" and insert "\$500,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 21, strike out "\$1,000,000" and insert "\$500,000."

Mr. MOON. Mr. Chairman, I suggest to the gentleman from Minnesota that we ought not to limit this matter too closely. Possibly \$1,000,000 is a little excessive; suppose he makes his amendment \$750,000.

Mr. STEENERSON. If the gentleman will permit me perhaps I will do that, but I want to say I have a letter from the department, from Mr. Blakslee, Fourth Assistant Postmaster General, and I would like to have it read and answer it. I will require about 10 minutes. It relates to this point. I ask that I may have 10 minutes.

Mr. MOON. I request that the gentleman have 10 minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STEENERSON. Now, I would like to have this letter read.

The CHAIRMAN. Without objection, the letter will be read in the time of the gentleman.

There was no objection.

The letter was read, as follows:

POST OFFICE DEPARTMENT,
Washington, December 17, 1918.

HON. HALVOR STEENERSON,

House of Representatives.

MY DEAR CONGRESSMAN: I note in the CONGRESSIONAL RECORD of Monday, December 16, 1918, that you state—

"And the remarkable thing about this motor-truck service is that they parallel the railroads. They run parallel in most every instance to an existing railroad line, and the railroads, of course, are anxious for business."

Later you state:

"It must be that the Post Office Department intends to supplant railroads by motor trucks."

The hearings before the Committee on the Post Office and Post Roads will disclose that experimental motor vehicle truck service is to be established between any two large markets through producing territory not adjacent to rail or water transportation facilities. This is exactly what has occurred in every instance, except where road conditions would not permit any other method of operation unless adjacent to railroad lines. This only in a very limited number of instances.

You also state that under cross-examination it was admitted "that in arriving at income of motor-truck service on those routes they counted all the postage."

Any expert accountant will assure you that this method is pursued in all enterprises that maintain accurate income or cost records. Gross revenue is always reckoned on the basis of total amounts received and in making up cost sheets deductions are made for every item that should be properly charged against the total income. Therefore, in the hearings before the Committee on the Post Office and Post Roads it was clearly set forth that allowances had been made for war tax and for the treatment of mail prior to its receipt on motor-truck routes and its dispatch from termini thereof, together with every conceivable direct or indirect operating expense, including depreciation, interest on the investment, and replacement of equipment.

I note you fail to include in your remarks any reference to the mile cost of this service as compared to star contract service or rural delivery service.

You made inquiry by telephone of the department on these subjects.

The cost of star route service per mile is 11.8 cents; the cost of rural delivery service is 18.4 cents; the cost of motor vehicle truck service is 17.1 cents.

No doubt you overlooked these statistics on account of the many numerous items in the postal appropriation bill which you endeavored to explain.

I wish to thank you for your complimentary reference to my ability, and in return I feel sure that your well-known sense of fairness will prompt you to include this letter in the Record to correct any misunderstanding as to the intent of this service to parallel railroads or to take credit for earnings that belong to some other branch of the postal establishment.

My contention has always been that where the railroads should be used, use them; where the waterway should be used, use it; where the air line should be used, use it; and where the highway should be used, I hope for your hearty cooperation.

Sincerely, yours,

JAS. I. BLAKSLEE,
Fourth Assistant Postmaster General.

Mr. STEENERSON. Mr. Chairman, now it is unnecessary for me to say it was far from my intention to misrepresent anything that Mr. Blakslee has said, that the omission to mention the cost of rural service per mile, motor-truck service and contract service, the star-route service. The subject was not on my mind. I had very many subjects to deal with, and I had no intention to create a false impression by such omission. But what he mostly complains of here is a few remarks I made in reference to the inquiry of the gentleman from Iowa [Mr. GREEN]. Mr. GREEN inquired about the calculations, whether they were too optimistic or not, and it was rather a little pleasant on my part that in referring to the Fourth Assistant Postmaster General I described him as rather too sanguine about phenomenal returns of this service. Well, it was not my intention to reflect in any way upon the gentleman's ability or correctness or intended correctness in his testimony, but I did intend to indicate that he was a little too optimistic, that he was led too far afield by his vivid imagination.

Now, we all like an imaginative person. I do. I am very fond of the Fourth Assistant Postmaster General personally. But he has, no doubt, a very vivid imagination, and he is an optimist, which is also creditable; but it is not always safe to follow the calculation of people who are so sanguine. Now, one of the points he makes in his letters is, that it does not parallel the railroads as I said it mostly did. Now, if you take the Postmaster General's report, where he deals with the subject, you will find in every instance so far as I can determine the motor-truck route starts from a railroad point, a railroad town, and ends in a railroad town, in most of the cases on the same railroad. The gentleman refers here to a blue print that he gave to the Committee on the Post Office and Post Roads. I have been unable to see it. Perhaps that blue print would indicate that the motor-truck route does bulge out, or makes a little departure from the straight line of the railroad. But in the sense I used it, I think it is fair to say that it is competitive with the railroad and that it is to a great extent competing. However, I wanted Mr. Blakslee's statement to go before the House, as it was far from my intention to misrepresent anything. I derived my information not from a blue print but from the general maps

of the country, which give the railroads in this section, and, of course, they are drawn on rather a small scale, and when you only know the two termini of a road, and they both begin and end on the same railroad, you naturally conclude that it is a competing and parallel line.

The most important part of the letter is in reference to the calculating of the revenue, and he says that you should always include the total postage. He says that is the practice of accountants. That shows he has faith in accountants. He trusts blindly in them. But I submit that you can not always do that. You must think it out for yourself, if you want to arrive at the truth. Now, let us see what the result of this method of the accountants would be.

You take one of these motor-truck routes 100 miles long, and you credit the total postage. We will say that on the starting point and on the stopping places along the route he collects 100 pounds of first-class mail, and he collects 1,500 pounds of parcels, farm truck, and such things, which is the usual amount, say, 1,000 or 1,500 pounds. The revenue on that would be about a cent and a half a pound on the farm produce. Under the lower parcel rate for 150—that is, 5 cents for the first pound and 1 cent additional for each additional pound—fifteen hundred pounds would be \$22.50. But the letter postage is 2 cents an ounce, which was the rate before the war, and would bring in 90 cents a pound, and 100 pounds would bring in \$90, or, if it was 3 cents an ounce, it would be \$135. And if you credit the route with the first-class postage, why, you can figure up a most wonderful income for that route. But if it did not go by motor route but went by rail then it would cost about 6½ to 7 cents per ton-mile, and you would have about 35 cents for the whole cost, if I figure it right in my head. A profit of \$89 or \$134, as the case might be, according to what rate of letter postage is charged.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEENERSON. I would like to have two minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. STEENERSON. So that the letter mail when it is paid by the pound is the most profitable thing and it pays for nearly the whole service. And, of course, if you are going to give the credit to the motor route for all the postage on first-class mail that passes over it, you include what it costs the Government to bring letters through, and so forth. However, Mr. Blakesley seems to think that it is right to credit the route with this postage on this profitable matter as correct. I can not agree with him. If we shipped the letters by rail it would only cost a few cents, and the rest would help to pay other postal expenses.

However, I submit his letter to the House for what it contains. I am afraid of this proposition. The gentleman is too sanguine. Every great man is sanguine. If Columbus had not been visionary and been gifted with great imagination, he would never have discovered America and we would not have been here. So I do not want to blame him for being too optimistic; but at the same time, inasmuch as we are holding the purse strings, I want to go a little slow, and I want to be a little careful. I would like to have an accountant, an inspector, an expert in journal business, go over these routes and inform Congress before we go to work to appropriate so much as this.

Now, the chairman of the committee has suggested that if the motion was to substitute \$750,000 instead of \$1,000,000 he might agree to it. However, I think it is fair to the House that we should vote on my motion to strike out \$1,000,000 and insert \$500,000. I understand there are others here on the floor that would like to increase it to \$1,500,000. So you would have your choice. It seems to me it is a dangerous thing to place so much money in the hands of the department for this purpose, because you are simply duplicating other service to a very large extent; and you are entering upon a new field, and you will not know where it will end.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAUNDERS of Virginia. Mr. Chairman, I wish to offer an amendment. I understand the motion is to strike out of the bill \$1,000,000 and insert \$250,000.

Mr. STEENERSON. Five hundred thousand.

Mr. SAUNDERS of Virginia. I offer a substitute for that, making it \$1,500,000.

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS of Virginia. I would like to say a word in connection with the bill.

The Clerk read as follows:

Substitute offered by Mr. SAUNDERS of Virginia: Page 23, line 21, strike out "\$1,000,000" and insert "\$1,500,000."

Mr. SAUNDERS of Virginia. Mr. Chairman, if there is any one feature of this bill which should commend itself to the Representatives from the country districts, as most of us are, it is the provision for this motor service.

The gentleman from Minnesota [Mr. STEENERSON] indicated that he was afraid of these "experiments" (as he calls them), on the part of the Post Office Department. But, having in mind the experiment upon which we have entered in the aeroplane venture, we should not be afraid of experiments like this on firm ground. We are not "up in the air" with respect to this proposition, but on the sure foundation of the solid earth.

This proposition relates to a form of activity by the Post Office Department which will inevitably develop every area into which these projected lines will run. The scheme has been fully worked out on trial routes. It does not come before the committee enveloped in the uncertainty which surrounds the aeroplane project. While I believe that airplanes may be used in connection with the transportation of the mails and to a limited extent may be serviceable, yet I have no idea that any largely extended airplane service will ever be worth one tithe of the money that will be required to maintain it. The conditions of the enterprise limit its commercial feasibility.

Mr. MOON. Mr. Chairman, will the gentleman yield there?

Mr. SAUNDERS of Virginia. Yes.

Mr. MOON. As I understand the gentleman from Minnesota [Mr. STEENERSON], he is now willing to let the amount of \$1,000,000, which the department desires, remain in the bill. He is willing to withdraw his amendment for \$500,000. I think it would be a good idea for the gentleman from Virginia also to withdraw his amendment for \$500,000 more, and let the amount remain in the bill as it is.

Mr. SAUNDERS of Virginia. Well, if it is the sense of this committee, and the sense of the Committee on Post Office and Post Roads that this amount of \$1,000,000 is as much as we should expend at this time in this connection, I would be willing under those circumstances to withdraw my amendment.

Mr. STEENERSON. I understand that the department never asked that the amount given by the committee be increased.

Mr. SAUNDERS of Virginia. So far as that is concerned, I am proposing that the House should increase this amount. As I have stated, this is one of the most fruitful and hopeful projects of development under the auspices of the Post Office Department which has come to my attention.

Mr. STEENERSON. The proposition of the chairman of the Committee on the Post Office and Post Roads was, as I understood it, the advisability of adhering to the committee's figures. I will say to the gentleman from Virginia that I am disposed to follow my distinguished colleague on the committee, the chairman of the committee.

Mr. SAUNDERS of Virginia. Well, so far as I am concerned, I will complete the remarks that I had in mind in this connection.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. TILSON. Is the gentleman willing to limit this provision to the handling of rural mails, and not go into an experiment to show that motor trucks can successfully compete with railroad trains in carrying the mails? In order to make a good financial showing it is probably necessary that these motor-truck routes should run from one big city to another. If so, it is almost sure to parallel a railroad and duplicate what the railroad might do.

Mr. SAUNDERS of Virginia. The experiment has been sufficiently tried out under practical conditions, to enable any open-minded investigator to conclude that it will be a success on a largely extended scale, indeed on a Nation-wide scale. I have examined some of the expense sheets in connection with this service, showing the expenses, and returns, and if these sheets may be relied upon the success of the experiment thus far has been simply wonderful. Having before us the main fact of these eminently successful trial routes, I see no reason why we should not extend this service, particularly in view of the liberal not to say extravagant amount which this bill provides for extensive experimentation in the air service, a field in which any ultimate outcome of commercial success is admittedly highly uncertain. The meager results which have been attained from experiments admittedly incomplete in the field of aerial mail transportation, do not justify the really gigantic sum which has been appropriated for further experimentation in this direction. Yet gentlemen who favored this fanciful scheme for handling the mails, begrudge any adequate sum for the development of

a service which has successfully stood the rigid tests to which it has been subjected in the effort to ascertain its feasibility, and practical utility.

Mr. TILSON. Does not the gentleman see the distinction? In the case of the Air Service we must run the airplane as a part of our military program, in any event. We must keep the airplanes flying; but it is not necessary to keep the automobiles going.

Mr. SAUNDERS of Virginia. I understand of course that now that the Army has a finger in the pie, my friend will support this fantastic project of experimenting with aeroplanes as a new instrumentality for transporting the mails, without regard to the likely chances of serious pecuniary loss that we confront in carrying out this enterprise. But this other experiment, as I have said, has been worked out, and the expense sheets show a most satisfactory and practical success in the operation of the service. For that reason I desire to see this enterprise which will be conducted on the solid ground, supported by such ample appropriations that it will affect with its benefits the people of the entire country. This enterprise enlists my support on the ground that it is feasible, practical, thoroughly worked out, beneficial alike to the people on the routes, and in the cities, and capable of practically indefinite expansion all the while paying its way in the process of extension.

Mr. MADDEN. Mr. Chairman, I understand that the gentleman from Virginia [Mr. SAUNDERS] has withdrawn his amendment, but I want to make a few observations on this amendment anyway.

Mr. MOON. Can it not be understood, first, that both amendments are withdrawn, and then the gentleman from Illinois can proceed?

Mr. ROBBINS. I thought you agreed to \$750,000 as to that item.

Mr. MOON. I understood that the gentleman from Minnesota [Mr. STEENERSON] would withdraw his amendment, and that the gentleman from Virginia [Mr. SAUNDERS] would withdraw his, and leave the amount as it is in the bill.

Mr. SAUNDERS of Virginia. That is not the proposition, as I understood it.

Mr. MOON. If that is not correct, the gentleman from Virginia is misinformed, and his amendment ought to be still pending.

Mr. STEENERSON. I said I understood that was the proposition of the gentleman from Tennessee. I did not say that I would agree to it.

Mr. MOON. Will the gentleman agree to it?

Mr. STEENERSON. I am not prepared to do that.

Mr. MOON. I think we had better consider as pending the proposition of the gentleman from Virginia.

The CHAIRMAN. Both amendments could be withdrawn at the same time if desired.

Mr. MADDEN. I hope the amendment of the gentleman from Virginia [Mr. SAUNDERS] will not prevail. I rather hope the amendment of the gentleman from Minnesota will prevail, if it is still pending. I think I am authorized to say that I have had a talk with the Postmaster General in connection with this legislation, in the course of which he assured me—and he authorized me to say so if I chose to do it—that he is utterly opposed, to begin with, to any appropriation in this bill for the building of highways. That is already eliminated, so that that is not under discussion. He says that he has no purpose whatever to establish a comprehensive system of truck service. I have a great deal of admiration for the imagination of the Fourth Assistant Postmaster General, Mr. Blakslee. He has just as much imagination as Mulberry Sellers ever had. He is one of the nicest fellows I ever knew, and personally I like him, and he has some good views, but he is overenthusiastic. I am afraid he is too optimistic about what the outcome of this system of service will be.

What I fear is if we establish the service on anything like the basis suggested it will be a good deal more of a pork barrel in the future than the river and harbor bill ever was, because everybody in Congress will want truck routes established in their district. Already, I think, appeals have been made for the establishment of truck lines where they ought not to be. I understand that the Postmaster General already has appointed a committee of experts to examine into the desirability of establishing this truck service; and that these men understand the Postal Service better than any others connected with the department. I understand that they are almost ready to report, and whatever their report may be I do not know, but I apprehend that it will not be very favorable to the establishment of these truck lines. There is no sense in having them. We ought not to be in the truck business; we ought not to be dealing in garden truck, for that is what this means. It seems to me that

we are establishing automobile lines here, there, and everywhere, for the purpose of carrying products from the farm to the middlemen, and adding not to the economy of the consumer but to the profit of the men who sell to the consumer. We are doing it at the expense of the taxpayer. It is easy to figure out a large profit, but it is not so easy to prove that the profit figured out is there. As long as you have the Treasury of the United States behind any scheme that may be established from which to draw, of course, you can go on, but if you had to put this on a business basis, depending on its own earning power, without the right to draw against the Treasury of the United States for the deficiency, you would find out before 30 days that instead of making fabulous profits you were making fabulous losses. I dare anyone to undertake to prove that a profit has ever been made on any truck service that so far has been at work in the Post Office Department. You can not do it. Mr. Blakslee can do it, but, as I said, I have a good deal of admiration for Mr. Blakslee's imagination. If he only had the other ingredients of Col. Sellers that he never was able to find, the Post Office Department would be flying around the United States on wings, and you would never have to charge postage for any service rendered to the people. Mr. Blakslee has a scheme by which his imagination can work up into the clouds and from which profits rain into the coffers of the Treasury Department. If you would listen to Blakslee there would not be a highway in the United States that would not be rebuilt in the next six months out of the earnings in the truck service of the Post Office Department. And we would be unable to find men to build the roads these profits would build. We have over 2,000,000 miles of highways in the United States, but that would not satisfy Blakslee. He comes from Pennsylvania, where the air is rarified on account of the mountain scenery, and he imagines that everything is built on the basis of the mountains of Pennsylvania.

Why, Mr. Blakslee is one of those imaginary dreamers in the matter of post-office profits that nobody every heard of before. I do not say that in disparagement of Mr. Blakslee's ability. I like it, I like imagination; it takes a man with imagination to accomplish results, but he is going too far afield. [Applause.]

Mr. MOON. Mr. Chairman, I usually find some ground on which my good friend from Illinois and I may stand together, but I can not agree with him on this proposition. This proposition is one that will bring very great benefits to the people of the country in the handling of their produce. It is one that will bring benefit to the merchant in the disposition of his goods and to the people of the country in the exchange of produce for cash, but I believe, too, it will reduce the cost of living to the masses of the people in the cities. I am not going into the argument which has been offered so ably and frequently in support of such propositions.

I want to observe the remarkable fact that when anything arises in the House for Government control, anything that promises direct and immediate benefit to the common people of the country, it obtains too much resistance on this floor. It is a remarkable fact that that is so, because the majority are from the country districts.

The gentleman from Illinois [Mr. MADDEN] said it has not been demonstrated that this is a profitable service. Who knows whether it is profitable or not? Not the gentleman from Illinois, not myself, not any other individual who has not been closely and intimately associated with the operation of this service. The Postmaster General ought to know, but the Fourth Assistant Postmaster General ought to know more about it than the Postmaster General does, because the Fourth Assistant has installed the service, and he shows in the report that it is not only a self-sustaining proposition but a money-making proposition. From the 1st of July to the 30th of September in the last fiscal year on 19 routes there was a profit of \$18,889. If that goes through 250 routes which may possibly be established—and that is all that is going to be established—you will have a profit of \$2,300,000 at least.

Now, whether there is a profit or not, if it was self-sustaining and gives to the country people an advantage to which they are entitled in moving the products, we ought not to hesitate to pass this provision.

Mr. FOSTER. Mr. Chairman, it seems to me that there has been no more important amendment proposed than the amendment for the experimental motor-truck service. I think Mr. Blakslee may be very enthusiastic, and yet I think he has reason to be congratulated on the success that he has made so far with this experimental truck service. This has been in operation for some time—more than a year, as I now recall—and he has demonstrated that it is a money-making part of the Postal Service and a great convenience to the people. These trucks

go through the country, from one city to another, and gather up the produce that would probably not get to the market if it was not for this service. He has delivered it to the cities in quicker time than is ordinarily done and it has been sold to the consumer at a less price than the consumer has heretofore been compelled to pay. It seems to me when this service has been successful so far, that we ought not to cut down the appropriation, but rather that we ought to increase it so that the service be extended. I hope it will never be a pork barrel. It ought not to be. It ought to be established upon its merits and where it would be justified. I do believe we ought to continue it. If it is demonstrated that it is not a paying service, if it is not a benefit to the people, then it ought to be discontinued. So far the Fourth Assistant Postmaster General has demonstrated his ability to make it successful. If it is necessary to appropriate \$1,500,000, \$500,000 more than is already in the bill, we ought to do it. We ought not to cut down this appropriation at this time, but should give sufficient money to make this experiment, whether it be located in Illinois, or Pennsylvania, or Georgia, or any other State. I shall vote for the amendment of the gentleman from Virginia so as to give this branch of the Postal Service a fair trial.

Mr. KELLY of Pennsylvania. Mr. Chairman, I sincerely hope that this amendment to reduce the appropriation for the motor-truck service of the Post Office Department will not be adopted. On the contrary, the amount of \$1,000,000 carried in the bill for this service should be doubled. No money expended by the Government at this time will bring more profitable returns than that used in expanding this method of direct communication between country and city.

It is a new service, but the initial appropriation of \$300,000 made by Congress last year has produced results which warrant an extension of a chain of routes radiating from all the large cities of America to the farming communities within a radius of a hundred miles.

Experience with the routes now in operation demonstrate that this service is not only self-supporting but profitable to the Government. It costs \$800 a month to operate the route between Washington and Philadelphia, and the gross earnings are \$16,000 a month. Gen. Blakslee, of the Post Office Department, in his statement before the Committee on Post Offices and Post Roads, states that the gross earnings of the 19 motor-truck routes already established between July 1 and September 30 of this year were \$292,024.95. On a yearly basis these 19 routes will produce revenues of more than a million dollars. Of course, the war-revenue tax on the mail matter and crediting to other branches of the service its share of the first-class mail matter carried would reduce this figure, but after making all allowances there is a substantial profit in the operation of each of these routes.

Now, these results have been obtained by individual dealing between the farmer in the country and the individual consumer or business firm in the city. When the disadvantages and difficulties of such dealing are taken into consideration, the showing made by these truck routes is but a faint idea of the possibilities of this service.

Daniel C. Roper, former First Assistant Postmaster General, in his book *The United States Post Office* states that the operation of the parcel post has proved "disappointing."

That is true, for in spite of the eagerness of the people to utilize the parcel-post facilities, there have been many difficulties, and even those who were most enthusiastic in the inauguration of the service five years ago to-day confess that those difficulties must be removed before the parcel-post idea in America can be acclaimed a real success.

But every one of those difficulties, so vitally affecting the success of this means of communication, arise from the lack of organization and cooperation between the consumers on one side and the producers on the other.

For instance, the expense of securing individual shipments of food products from the farmer to the city dweller is almost prohibitive. The expense of shipping a single dozen of eggs is so much greater in proportion than shipping a crate of eggs that it raises the price to a point which minimizes the value of the service.

Suppose a family in the city desires a dozen eggs a week and wishes to get them direct from the poultry yard in the country. It is necessary to buy a metal container, which costs \$1. The postage is 7 cents on each dozen. Then letters must be written in ordering the eggs and in sending payment. Money orders require an additional fee. If the eggs are ordered from different producers, still more letters are necessary.

I believe it is a fair estimate to say that it costs 15 cents a dozen to buy eggs direct in this manner, which is entirely too high. The fact that this service has proved at all successful is

due to the very earnest desire of many persons to secure fresh, wholesome products direct from the producer, for which they are willing to pay even the highest price.

But we should have this service of value to those who can not afford the highest price—to the average man both in the city and country.

How can this cost be lowered? Only by organization and combined action on the part of consumers and producers. Instead of individual, there must be collective dealing.

Suppose there were an organization of consumers in the city and of producers in the country, both acting as a unit, with a responsible agent for each association.

Thirty or more families desire a dozen eggs each week. The order goes in a single letter to the organization in the country. The standard 30-dozen crate, which costs 15 cents, is used. The postage on the entire crate is 65 cents. One letter carries the money order for payment. In this way eggs can be delivered direct at a transportation charge of 3 cents a dozen.

Fifteen cents a dozen by individual dealing; 3 cents a dozen by collective dealing. Those figures spell the difference between failure and success in this service.

But there is another great difficulty in the plan of individual dealing between producer and consumer. That is the inconvenience to the producer of handling many petty accounts. He must fill each individual container and ship it. He must keep his records and collect his bills from many customers, with the danger of loss in some of them. It is little wonder that many farmers, after having tried to deal direct with individual customers, have become discouraged and given it up. The inconvenience is too great and the farmers go back to the old methods of marketing.

But organized action does away with this difficulty entirely. The farmer is dealing through a responsible association with a responsible association. His eggs and other products are shipped in bulk and he is paid with one check instead of a score. He has no bad bills, for the collecting is made by the agent of the consumers when the products are delivered. It requires organized buying and selling to meet this difficulty, which has prevented the success of direct dealing.

Then there is a third difficulty with the system of individual dealing. The producers and consumers do not know each other. The man in the city does not know what farmers desire to sell their produce direct and the farmer does not know the city dweller who is longing for his products.

Since this motor-truck service was established some postmasters have published lists of the farmers along the routes who will sell produce direct. But after all a name means nothing to the consumer who desires mutually profitable relations, and little benefit has resulted from these lists.

Think of the difference when rural and city community are both organized. Responsible agents speak for each of them. The quantity of goods available and the prices are known and are sent to the city community. On one side the producers who have the commodities, on the other the consumers who desire them. Between them the motor transport service of the Post Office Department linking them up and uniting them in a profitable relationship.

This, then, is the problem of parcel post success. There must be organization both in city and country, at both ends of the line. Only when this is done can we expect success in the plan of getting the products of the farm direct to the table of the consumer.

Neighborhoods must be organized if this plan is to succeed. The unit of neighborhood in America is the public school district, and that is the logical basis for this marketing organization. The public-school building is located within convenient reach of the children of the neighborhood, and therefore of all the people as well.

This building belongs to all the people, not to a group. Whether all the children go to school in it or not, the fact remains that the building is built with public funds, to which all contribute. Every citizen shares with all the other citizens in the community of its ownership.

Every one of these buildings in America is capable of being used as the headquarters of the people of the neighborhood. They stand ready to hand to be used as stations of collection and distribution in the great movement to bring the consumers and producers together, through the agency of the Post Office Department, operated for public service.

Mr. Chairman, that the schoolhouse and the post office can be linked together in a successful effort of coordination is not a theory, it is a proven fact.

Here in Washington City the people of Park View district have organized their community in their schoolhouse. They have elected their officers, of whom the most important is the com-

munity secretary, Mr. J. G. McGrath, who is the responsible agent for the neighborhood in its marketing operations.

This organization has been in existence for two years and has been a splendid community center, where all the people come for recreation and for discussion of vital questions. It has made of Park View district a real neighborhood with a fraternity of feeling plainly evident. During the war the various war activities were presented at the community meetings and were entered upon with enthusiasm by the community. Each citizen gained through his membership in this all-inclusive organization the sense of "belonging" to America.

Three months ago the community secretary was appointed a postal-station agent and a complete post-office equipment was set up in the schoolhouse. This unprecedented arrangement, which should be the most natural combination of activities, has been a success from the first day. The people gladly avail themselves of the postal facilities in the schoolhouse and the receipts have increased rapidly.

Then came the question of using these facilities for the purpose of securing food products directly from the producer. The motor-truck service was utilized and orders were sent out to individual farmers. The result proved the advantages of buying direct, but there were difficulties which had to be overcome. It required the product of many farmers to supply the needs of the community, and a great deal of inconvenience was experienced in getting in touch with producers who desired to sell their produce in this manner.

Finally it was seen that the only solution is organization on the part of the producers. The shipments at the farm must be organized, and in the rural sections, too, the schoolhouse stands ready to be used for this purpose.

One of the motor-truck routes from Washington leads to Gettysburg, Pa. It traverses a good farming country for 80 miles and in no part of it parallels a railroad. In the past hundreds of tons of vegetables, fruit, and so forth, raised in this territory have been allowed to rot and waste simply because there was no connection with a market which offered profitable returns.

The route passes through Mount Joy Township, Adams County, Pa., which is on the edge of the historic battle field of Gettysburg. There only a few weeks ago was formed the first rural postal-school organization in the United States. The producers of the township, gathered in the Two Tavern schoolhouse, formed the Mount Joy Community Association. Mr. Rudisill, a former member of the State legislature, was elected president, and the public-school teacher was made the community secretary. This official is A. Nevin Sponseller. His election as community secretary was by the people of the community, and by virtue of that election he has been made a postal agent of the motor transport service of the Post Office Department.

The motor truck stops each morning at the schoolhouse and picks up the crates of eggs, containers of butter, boxes of poultry, and other commodities collected there. These goods are delivered the same evening at the Park View schoolhouse in Washington and there distributed to the people of the community.

The list of prices is sent each week by the Mount Joy community secretary to the Park View community secretary. Orders are sent out and the goods shipped as desired. Payment is made by check weekly, and the community secretary at Mount Joy keeps the records of the shipments made by each farmer and makes payments accordingly.

It is the first direct communication between rural and urban communities by means of the motor transport service in American history. It is but the beginning, for already the Washington community is demanding more than the entire output of the township and other organizations are being formed to meet the demand.

Around that little town of Gettysburg 55 years ago was fought the greatest battle on American soil. For three days the red gods of war took mighty toll of blood and life. From that field the Confederacy reeled backward, facing a certain end. Sixty-six hundred men died there in fratricidal strife, brother slaying brother in a frenzy of wrath and hate.

It seems peculiarly appropriate that there, within sight of Cemetery Ridge and the Peach Orchard and the Wheat Field and the Round Top, should be organized the first community center in the linking up process of the Postal System and the public school, the community added to communication for a united, coordinated America.

There on the site of battle, where men went through blood and fire because of disunion and secession, began the movement for unity and cooperation. And the victory which is yet to be won and celebrated for this real fellowship and fraternity of America will be even more far-reaching than that which crowned

the storm-swept crests of Gettysburg in those bloody days of sixty-three.

Here is the constitution adopted by the people of Mount Joy community assembled in the schoolhouse. It shows the many phases of activity possible to such organization of the citizenship and it will serve as a model for similar organizations elsewhere:

CONSTITUTION OF THE MOUNT JOY COMMUNITY ASSOCIATION.

We, the people of the United States residing in Mount Joy Township, Adams County, Pa., in order more perfectly to fulfill the obligations of our membership in humanity and of our citizenship in this Nation, this State, this county, and this township, and thus to secure the blessings of democracy to ourselves and our posterity, do constitute ourselves a community association, and, for our use and guidance, do ordain and establish this constitution:

ARTICLE I.—NAME.

The name of this organization is the Mount Joy Community Association.

ARTICLE II.—PURPOSE.

Our purpose in this association is orderly, all-sided, constructive conference upon public questions and practical cooperation in the common interest.

ARTICLE III.—MEMBERSHIP.

SECTION 1. Members: All citizens of the United States 21 years of age or over, both men and women, residing in Mount Joy Township are, by virtue of this national citizenship and this residence, members of this association, and have full and equal responsibility and right to attend all community meetings, to participate in all discussions, and, upon being registered or enrolled, to vote and otherwise share in the proper exercise of citizen authority in and through this association.

SEC. 2. Prospective members: All aliens 21 years of age or over, both men and women, residing in Mount Joy Township, who have declared their intention to become citizens are, by virtue of this declaration of intention and this residence, prospective members of this association, and as such may attend all community meetings and participate in all discussions, but may not vote, hold office, or otherwise share in the exercise of citizen authority in or through this association.

ARTICLE IV.—OFFICERS.

The officers of this association are president, vice president, and the community secretary.

ARTICLE V.—DUTIES OF OFFICERS.

SECTION 1. President: It is the duty of the president of this association to preside at all community meetings and to perform such other functions as are hereinafter prescribed.

SEC. 2. Vice president: It is the duty of the vice president of this association to preside at community meetings in the absence or at the request of the president.

SEC. 3. The community secretary: It is the duty of the community secretary to serve as the agent of the citizens of the United States residing in this township and constituting the membership of this association in officially communicating with and receiving official communications from national, State, and county representatives and administrators and in preparing for market and dispatching or ordering and receiving commodities for residents of this township as this association may direct; to serve as the clerk in connection with and at such community meetings as this association may direct to be called; inviting and arranging for the coming of such public officials, candidates for public office, or other speakers as the association may desire to hear; seeing that the school building is open and in readiness for each community meeting or other gathering arranged by or under the auspices of this association; being responsible to the board of school directors for assuring the observance of the board's regulations established to forward the rightful and prevent the improper use of the public-school property; keeping a correct roll of registered members and prospective members and a complete record of attendance, topics considered, principal speakers, and actions taken at each community meeting; to serve as custodian of all books, pamphlets, charts, pictures, and other informational or exhibit material belonging to, loaned to, or to be acquired by this association; cataloging and arranging the same so as to facilitate its effective and proper use, and making available for signing such nominating, initiating, or other petitions, subscription rolls, lists of positions vacant, applications for employment, or other lists, forms, or files as the association may direct or the public need require to be compiled or kept; to serve as the executive of this association in arranging for such occasional or special programs, lectures, exhibits, entertainments, celebrations, festivals, and commemorations as this association may direct; in organizing and conducting the social and recreational activity of the youth and children of the township as this association may direct; and in managing whatever tax-maintained cooperative enterprise or enterprises or local branch of a national, State, or county enterprise or enterprises as may be established or authorized to be conducted in or in connection with this public-school building; to serve as supervisor of such dramatic, literary, or other special-group organizations, societies, clubs, or classes as may be formed under the auspices of this association or authorized to meet in this school building; and at all times and in every way to seek to assure a proper coordination and harmony between the instructional use of the public-school property for the children and its use by the older members of this community.

ARTICLE VI.—ELECTION OF OFFICERS.

The election of the officers of this association shall be by ballot. The officers elected at the time of organization shall serve until the annual community meeting, to be held in Thereafter the term of each officer shall be one year. Each officer shall serve until his successor shall have been duly installed. Any officer may be recalled at any regular community meeting upon a three-fourths vote of the members present, the association having determined by a two-thirds vote at a community meeting held at least two weeks before that the question of such officer's recall is to be voted on at such community meeting. In the event of the death, resignation, or recall of any officer, or in the event of failure on the part of the board of school directors to ratify the citizens' election of community secretary and to intrust to the person thus elected the care of the public-school property for its use outside of regular school hours, a special election shall be held upon arrangement with the board of school directors, due notice of such special election being given.

ARTICLE VII.—COMMITTEES.

There shall be six standing committees—the committee on food production and marketing, the committee on savings and investment, the committee on health and sanitation, the committee on recreation and the interests of youth, the committee on child welfare, and the executive committee. Special committees may be appointed from time to time as the association shall direct. The chairman of all committees, except the executive, shall be named by the officers of the association, subject to the approval of the association. The chairman of each committee, except the executive, shall select the other members of his committee. The duties of the several committees, except the executive, shall be to cooperate with the community secretary in promoting understanding and effective action regarding the particular matters indicated by their respective titles, and to discharge such other functions as this association may direct. The officers of the association, together with the chairmen of the several committees, shall constitute the executive committee. The president of the association shall serve ex officio as chairman of the executive committee. The executive committee shall act as advisory council to the community secretary and discharge such other functions as the association may direct.

ARTICLE VIII.—MEETINGS.

A regular community meeting shall be held in the Two Taverns schoolhouse on Friday evening of each week, beginning at 8 o'clock. Special community meetings may be called at any time by the community secretary.

ARTICLE IX.—QUORUM.

Twenty members present at any regular community meeting and 40 members present at any special community meeting shall constitute a quorum for the transaction of business.

ARTICLE X.—AMENDMENTS.

This constitution may be altered or amended by a two-thirds vote of the members present at any regular community meeting, the proposal to amend having been submitted in writing at a regular community meeting not less than two weeks prior to the meeting at which the proposed amendment is to be voted on.

ORDER OF BUSINESS.

1. Call to order.
 2. Reading of minutes of previous meeting.
 3. Correction or approval of minutes of previous meeting.
 4. Presentation of proclamations of the President of the United States or other official statements or communications from National, State, or county representatives or administrators.
 5. Discussion and action regarding matters presented in official communications.
 6. Reports of standing committees.
 7. Reports of special committees.
 8. Presentation of and discussion and action upon unfinished business.
 9. Presentation of and discussion and action upon new business.
 10. Address of evening or other special program.
 11. Discussion and action upon matters presented in address of evening.
 12. Adjournment.
- (Music or other entertainment may, of course, precede and social activities follow this regular order of business.)

RULES OF PROCEDURE.

RULE 1. Parliamentary usage, as set forth in Robert's Rules of Order, and parliamentary courtesy shall be strictly observed in the conduct of all community meetings.

RULE 2. All participation in discussion, whether upon matters presented in official communications, unfinished or new business, or matters set forth in the address of the evening, shall relate directly to questions properly before the meeting at the time, and must have the character of orderly, all-sided, constructive conference. Otherwise it is out of order.

RULE 3. In all discussions speakers, except the speaker of the evening, shall be limited to five minutes each, with extension of time only by unanimous consent.

RULE 4. In all discussions no person may speak a second time until all others who wish to speak have spoken.

RULE 5. Before adjournment the speaker of the evening shall be given opportunity to sum up, answer questions, and close the discussion.

The order of business may be suspended or changed, and the rules of procedure may be altered, amended, or added to by a three-fourths vote of the members present at any regular or special community meeting.

More money paid to the producer, less money paid by the consumer; that is the record made by these initial organizations, the beginning of a movement which should soon be nation wide.

In Washington the prices of oysters have almost doubled in the past five years, while the price paid to the producer has remained stationary. For gathering the oysters, shucking, and so forth, the producer received about 75 cents a gallon. Those oysters were sold to the people of Washington at from 60 to 80 cents a quart.

A few months ago the Park View community association, of Washington, decided to establish direct connection with oyster farmers, using the motor transport service of the Post Office Department.

They engaged to buy the entire supply of Charles Connelly, of Britton Bay, at \$1.50 a gallon. He agreed to furnish the containers and pay the postage.

Those oysters were delivered to the postal station at the Park View schoolhouse and were delivered to the people of the community at 40 cents a quart, which covers the entire cost of paper container, handling, wastage, and so forth. Of course, no profit was included, the public machinery of school and post office alone being used.

What has been the result? The first order was for 10 gallons a week. Within two months it had been made 35 gallons a week with the demand growing continuously. The producer having for the first time a sure and profitable market is developing a first-class oyster business. He is experimenting in an

effort to produce the very best oysters possible. He is employing additional men at good wages and at steady work. The old uncertainty of delivery, the loss of all the oysters gathered for the day if the boat failed to arrive, which meant the total loss of food supplies, has given way to certainty. And the oysters gathered in the morning are served on the tables of Washington families that same evening.

Above all, the producer gets twice as much for his oysters as he ever received before and the consumer pays exactly half the price he was formerly compelled to pay.

If that is not an object lesson as to the mutual benefits of this community organization plus the post-office motor service, I do not know what could be.

When oysters can be handled to such advantage in this manner it goes without saying that many other food products can be handled still more advantageously. Eggs, butter, poultry, honey, apples, potatoes, and many other commodities can be easily transported by this motor-truck service. In fact, all of them have been successfully handled by the Park View organization.

For Thanksgiving the members of this community association purchased turkeys at 32 cents a pound when they were selling in the markets at 50 cents a pound.

Christmas trees which sold in the market for \$1 added to the joy of the holiday in Park View homes just as successfully even though they only cost 25 cents. They had come direct from a schoolhouse community center in Maryland after having been cut in the woods by the schoolboys.

For Christmas in the Park View community an order was placed by Community Secretary McGrath, with Miss Love, community secretary of a newly organized rural neighborhood center in Maryland Springs, for 140 turkeys. Those turkey were brought to the schoolhouse by the producers and were shipped directly to the Washington schoolhouse on a post-office motor truck.

They were disposed of in less than an hour at 42 cents a pound. One thousand three hundred and sixty-eight pounds of turkeys, and they were carried out of the schoolhouse by men and women who have proven the value of this kind of collective action. These Washington City residents paid 42 cents a pound, an average of 15 cents a pound less than the price prevailing in the markets here.

But the turkey raisers in the country received 41 cents a pound, 6 cents a pound more than they were paid by the dealers in this city.

Such a demonstration shows the value of organized action. Six cents a pound more to the producer and 15 cents a pound less to the consumer ought to prove what this system of direct communication means when expanded to its possibilities. Give that kind of encouragement to the man who raises food products and it will increase production. It will prevent the loss of that which is raised. It will reduce the cost of living to the city dweller. It will bring both producers and consumers into closer contact, will develop better understanding between them, and make their business relations of mutual profit and benefit.

Almost every form of farm produce can be handled by this organized system. Park View School postal station has distributed chickens, turkeys, oysters, butter, eggs, potatoes, apples, cranberries, and other fruits. Mr. McGrath, community secretary, states that he is doing now a business of \$200 a day and that his greatest difficulty is in securing the produce to meet the demand. Not a cent of profit is taken, it is carried on by public agencies in the schoolhouse by the post-office motor transport service and its advantages go wholly to the people themselves.

"Food—that is the future of freedom and peace." During the last two years the world's food and feeding problem was the trembling issue on which all the hopes of liberty for the world rested.

Now that the war is over, it is true that the task of producing and distributing the food which is necessary to the very life of every American holds its challenge just the same. The high cost of living is not a war product; it is a vital problem of peace.

People should live more cheaply in America than anywhere else on earth. We have unlimited resources; land enough to feed the world in abundance. We have not begun to crowd ourselves, for here there are only 33 persons to the square mile, while Belgium before the war supported 671 persons to the square mile. France had 191, England 379, and the other European nations were generally as thickly populated.

But in spite of marvelous advantages the prices of foodstuffs have been climbing steadily upward for years and have reached the point where many persons are unable to secure sufficient of these necessities to enable them to maintain proper physical conditions. The consumer is obliged to pay a vastly too large

proportion of his day's work to secure these commodities of life.

I have heard men gravely declare that there is no answer to this flaming question. They state that prices of food must of necessity go higher and higher, and that hunger will always be the lot of some of the population of America.

I do not believe it. I will not believe that the Nation that can perfect the telephone and telegraph, the wireless, the flying machine, and a hundred other marvels of science, must halt helpless before this task. I will not believe that the America which would harness its energies into an invincible fighting machine in a single year's time must be forced to bow impotent before this problem.

The fact is that America has never tried to solve this problem in constructive fashion. While banking, transportation, industry have been highly organized, the mighty business of producing and distributing the food of the Nation has been left to blind chance. There has been no organized effort, only a medley of conflicting interests which injured producer and consumer alike.

Now let us try cooperation in the production and the distribution of food. The organization which has proved so effective in other lines will prove equally effective in this great work of feeding the people. The schoolhouses of America offer the logical centers for action, both in country and in city. Once the people realize the advantages, they will eagerly seize this opportunity for mutual benefit, as is proven by the many requests that have come from neighborhoods in the vicinity of Washington that schoolhouse organizations be formed.

And connecting these communities, like veins and arteries of the body, carrying the life-giving currents to every part, should be the motor-transport service of the Post Office Department. It is a public service of the people for the people and by the people.

Mr. Chairman, I believe that this motor transport service of the Post Office Department may be made as important an agency in peace as the motor transport service of the United States Army has been in war.

Over there in France the victories of Chateau Thierry and St. Mihiel were made possible because of those soldiers of transport and subsistence, who fought against a hundred obstacles, but who carried a burden of tonnage which is one of the marvels of the war. For every soldier in France it required 9 tons of supplies a year. These supplies were landed in great base depots in France and then were transported, mainly by motor trucks, to the front lines.

It was no accident that made those names in France stand for great deeds in American history. It was because the American machine that fed the fighting men was so well constructed that it met every need.

I saw great warehouses going up overnight. They were filled with supplies before they were roofed. Farms were turned into factories and swamps into teeming communities. We built a motor town in France almost as large as Detroit.

The roads were literally filled with trucks carrying supplies to the trenches. They ran up under the fire of the shells, and no braver feats were performed than those of the drivers who held the steering wheels and kept their trucks moving forward in momentary peril of dreadful death.

The service of supply it was called, and its scope and success over there gives us a sure faith that it can be made a great factor in the readjustment over here.

American soldiers were spread over 400 miles of communication. A million men were split up into units of from five hundred to a hundred thousand, and all had to be supplied. A 90-day reserve supply of food for the entire overseas force was necessary.

Every day tens of thousands of tons of supplies were landed at the ports. This was placed in base supply depots at the ports. Then it was taken to the intermediate supply depots and then farther up front to the advanced supply depots. Each one of these institutions was a city, with thousands of workers and every detail of a bustling, thriving community.

American soldiers were better fed than those of any other nation in this war. The meat ration was 20 ounces a day, the largest known army meat ration. There were vegetables, fruits, chocolate, coffee, and other components. All of these were collected, transported, and distributed by the wonderful organization of the service of supply.

The reserve rations, for use in emergency, such as breakdown in food supply in the rear, were brought up in motor trucks. Often a motor truck was used as a traveling commissary store and it brought its supplies up within gunshot of the enemy, but doing its service to the soldiers just the same.

I maintain that the same ability and genius which made possible the service of supply in France will make possible an even greater success of the service of supply in America.

Mr. Chairman, the motor transport service of the Army can be used in this new service of peace. Already this Congress has empowered the Secretary of War to turn over automobiles, trucks, and so forth, which may be of use to the Post Office Department. There are at least 50,000 trucks now in possession of the War Department which will admirably suit the purposes of this new service. The use of these for the transportation of commodities through territory not touched at present by any adequate means of communication will give employment to 50,000 soldiers who have been a part of the personnel of this war agency.

We are hearing much of the problems of demobilization and we are going forward largely in a planless way. Here is a practical way to guarantee to many thousands of returning soldiers useful employment, which will mean the welfare of the Nation. Here is a program of constructive development which will be of permanent benefit not only to the veterans but to all the people. In the midst of the parades and enthusiasm and red fire for the victorious soldiers of America we should show in practical fashion the real measure of public appreciation and gratitude.

The operation of this direct marketing plan between organized communities will show very soon, also, the importance of permanent road construction. A system of great trunk highways, crossing the continent east and west and north and south, can be built and paid for largely out of the receipts of this motor transport service of the Post Office Department. They would be post roads as intended by the Constitution, and would be Federal highways with connecting roads built by the States and local subdivisions.

No more important task could be undertaken by this Government now, and it would furnish constructive employment to thousands of those who are returning from overseas with experience in road construction in France and Italy and Belgium.

These roads, thus constructed, would bind the Nation together in a unity which would defy the barriers of sectionalism. They would result in better schools, for there is a direct relation between poor schools and poor roads. Children are kept from school by bad roads, and frequently the average small attendance is so greatly reduced that the efficiency of the one-room country school is materially affected. Good roads mean consolidated schools, with better educational facilities and with the pupils carried to and from the schoolhouse in motor trucks, which might also be a part of the post-office equipment and engaged at the same time in post-office service. When you link the post office and the schoolhouse together you have laid the foundation for real progress along many lines.

Mr. Chairman, we have heard much of Americanization and the vital necessity of making the melting pot function. No group effort and no piecemeal procedure can meet this problem of making Americans of those strangers who come to our shores. The foreigner must be made a member of the Nation. He must be given the sense of belonging.

That means that the action must come from the community in which he lives. If there is to be no "Little Italy" or "Little Russia" or "Little Poland" or "Little Anything Else," there must be all-inclusive American communities where each resident feels a sense of partnership, of real fellowship.

Organizing the community in the school building, the property of all, will help weld the citizenship into one composite whole as nothing else could do. It will bring neighbors together for many varied purposes—educational, social, recreational, and so forth. And when people get together they find agreement, fellowship, and cooperation.

Making of that schoolhouse a station of the Postal Service, with one of those engaged in educational work as the responsible agent of the community and also an agent of the Post Office Department, means the linking up of the individual citizen with the Federal Government. It means that Government, instead of being paternal, is fraternal.

But it does still more than that. For the International Postal Union is the one organization that has swept aside all barriers of nationality and made of the entire world a neighborhood. Through it the most remote community in America is in direct communication with every community in the world.

So it is that the prosaic bread-and-butter question, which makes necessary the organization of producers and consumers and the establishment of communication between them, with no unjust and unnecessary toll levied, may well be the impelling force which will drive us to true democracy, which will be safe for us and for the world—a democracy that means not only uni-

versal liberty but universal organization, which will guarantee equal opportunity and equal justice to all.

Mr. SISSON. Mr. Chairman, I am going to support the amendment offered by the gentleman from Virginia [Mr. SAUNDERS]. One of the problems that has confronted every man living on the farm at some distance from a market has been to get the products of his farm to the place where it is to be consumed. There is, perhaps, not a rural community in the United States where a great deal of food does not go to waste solely because they have no economical means of getting it to market. It would not matter how completely the farmers of one part of the country might organize unless they had an assured and daily transportation to carry their produce to the city. I do not believe this will help the man in the country half as much as it will help the man in the city. The problem has always been with the human family in thickly populated sections of the country to be able to get ample food supplies. That problem has not confronted the people of America so much in the past as it will in the future. As population continues to increase we have got to have a quick, easy access from the place of production to the place of consumption. When the place of consumption is easily, economically, and certainly reached the production always necessarily increases rapidly, because the demand is there. If you can supply the demand, the man in the country is willing to produce the stuff to satisfy the demand; but when he produces it and it is wasted or destroyed, that makes for inefficiency in the distribution of food products. The railroads have been of very great advantage. They have developed in this country great industries that never could have been developed but for the transportation from the point of production to the point of consumption. In many communities they are now running what is called the milk daily wagon, where the farmers themselves, without the assistance of the Government, have established milk routes, and they find when they get a creamery established in the community that it is extremely profitable. The number of cattle has been greatly increased, which not only increases the amount of milk supply, so much needed, but the meat supply also, because it makes raising cattle profitable. So if you will connect the gardens and the fields of the farmers with the consuming communities products will be increased rapidly, because it will pay the farmer to produce the food. I think it would be taking a backward step to cut the appropriation down. I think the people in the cities are the ones who will be much more benefited than the people in the country. I shall support the amendment offered by the gentleman from Virginia.

Mr. BLACK. Mr. Chairman, I would not support any amendment to cut down the appropriation in the bill, neither will I support the amendment of the gentleman from Virginia to increase the appropriation. I have no attack whatever to make on the motor-truck service as it has been inaugurated by the Post Office Department. It is, of course, more or less in the experimental stage. I think it has in it great possibilities if it is put in operation in those places where it is practicable and where it is feasible, but in my discussion with the Fourth Assistant Postmaster General, who is one of its most enthusiastic advocates, and in the hearings that we have had on this proposition I have pointed out this fact as a reason for caution in dealing with a matter of this kind; that we are inaugurating a new transportation service in the Post Office Department, and as long as it is left to the wise judgment of the administrative officers to put it into operation where it is feasible and proper it is all right and will be operated as a success, but when it gets to the point that Congress will step in and, without hearings, without information, and without facts, vote large additional sums and force the Post Office Department to extend where it is not feasible and proper, it will then become a source of deficit rather than revenue. In other words, my contention is that this new form of service should not be extended beyond the bounds of reason based on the data and information in hand. Now, what information does the gentleman from Virginia or the gentleman from Mississippi give us throwing light as to whether there are any places where this \$500,000 will be needed? I believe the gentleman from Virginia moved to increase it by that amount?

Mr. SAUNDERS of Virginia. I will ask the gentleman—he is a member of the Committee on the Post Office and Post Roads, I believe—what information he gave of a definite character that we needed the gigantic sum for the aeroplane service called for in the bill?

Mr. BLACK. I will answer that question very frankly. I voted in the committee and stood for the proposition to only spend \$300,000 for aircraft-mail service in the fiscal year 1920.

I feel free to make that statement because it was my contention that the aerial-mail service was still more or less experimental and not too great a sum should be appropriated for its extension and operation until its feasibility and practicability had been more thoroughly established.

Mr. SAUNDERS of Virginia. I am not assailing the gentleman's attitude at all; I am asking what information of any definite character was given to this body that that gigantic sum was needed properly for the aeroplane service?

Mr. BLACK. Answering that with perfect frankness, not sufficient information, in my opinion. Now, the item we have under consideration the Post Office Department in its original estimate asked \$300,000 for the service for the next fiscal year. The committee, after hearing the statement of Fourth Assistant Postmaster General, Mr. Blakslee, saw fit—and I am not going to attack the action of the committee—to increase that to \$1,000,000. And now come other gentlemen, without information to show where it can be put into successful operation, and seek to increase that \$500,000 more. I submit, gentlemen, that it is a matter we ought not to act on without information and therefore should not adopt the amendment of the gentleman from Virginia.

Mr. STEENERSON. If the gentleman will permit, is it not a fact, under last year's law, that, in addition to this money, the department could get free motor vehicles from the War Department?

Mr. BLACK. That is true. The present law provides that the Secretary of War may, in his discretion, deliver and turn over to the Postmaster General from time to time and without charge, for use in the Postal Service, such aeroplanes and automobiles as may prove to be or shall become unsuitable for the purposes of the War Department, but suitable for the Postal Service.

Mr. SAUNDERS of Virginia. Mr. Chairman, my amendment seems to have led rather to an attack upon the Fourth Assistant Postmaster General (Mr. Blakslee) than to a discussion of the merits of motor routes as provided for in the bill.

Mr. MADDEN. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I will.

Mr. MADDEN. I hope the gentleman did not take what I said as an attack upon the Assistant Postmaster General.

Mr. SAUNDERS of Virginia. When you refer to an official in charge of a great department of the Government, and presumably a hard-headed, efficient, practical man of affairs, as a dreamer, and put him, and the men who agree with him as to the utility of this enterprise in the class of Col. Mulberry Sellers, what is that but an attack upon his capacity as a public official? If it is not an attack upon him, what is it? Should a man of the Sellers type hold a responsible Government position? Your remarks certainly present this official as an incapable member of the working force of the Post Office Department. Dreamers, visionaries, enthusiasts of the Mulberry Sellers type, are not likely to afford an efficient, or satisfactory administration of the large responsibilities that attach to the position of Fourth Assistant Postmaster General. I have noted, as the gentleman from Tennessee has noted, that whenever any proposition that is presented in this body that has nothing to commend it, save that it will be helpful to the plain people, such a project is sure to be viciously assailed as a pork barrel, or as an airy fantastic dream. There is nothing of the glamorous about this project. It does not touch the imagination, like the project for carrying the mails by hurrying flocks of fast-flying aeroplanes. It is a prosaic, humdrum, every-day working proposition that has nothing in its favor save that it will develop the communities which it will serve with its branching routes, and serve alike to their advantage the farmers on the routes, and the working population of the cities. Of course it is a dream. Of course it smacks of the pork barrel to its opponents. It is too absurd to be formulated, or supported save by dreamers. But this country, and humanity owes much to the alleged dreamers: They are generally the pioneers in new projects of universal utility. For years the dreamers dreamed of a parcel-post law. I recall the arduous road traveled by the dreamers and enthusiasts who struggled and fought to make a place for that enterprise in our post-office system. Other dreamers, visionaries, and enthusiasts dreamed of a comprehensive road development in continental United States with the help of Federal aid extended by an appropriate Federal statute. The project was vehemently assailed. Like this project of Mr. Blakslee it was denounced as a pork-barrel scheme that would put all other pork-barrel enterprises to the blush. This apprehension was expressed in terms of picturesque invective.

Yet none of these dreadful apprehensions have been realized, and in view of the great expansion of road development that

has taken place, and is now in progress since the passage of the Federal road act, I doubt if there is a Member of this body who would now expunge this measure from the statute books, if he had the power to do so, or who would not admit, unless he is a reactionary of the most hopeless type, that his gloomy anticipations have not been realized. If the man who devised, developed, and patiently, and thoroughly laid out these motor routes, is a dreamer, and the men who regard them as hopeful enterprises, promising large returns of public benefits, are dreamers, what shall we say of the men who pin their faith to the aeroplane as a practical instrumentality for the commercial carrying of the mails, and are willing to risk millions in that enterprise? Certainly as a practical man I can not see that these two propositions rest upon any equality of merit, or hopefulness. The truck enterprise has been thoroughly tried out, and its value determined. If anyone desires to ascertain the results of this experiment he can call at the office of the Fourth Assistant Postmaster General, and by scrutinizing the returns, and expenses of the enterprise, satisfy himself that this is not the airy fabric of a dream but a practical experiment under severe tests which has fully justified the hopes of its friends.

If the Fourth Assistant Postmaster General is a dreamer as to this enterprise, there are others to be remitted to that class. The chairman of the Committee on the Post Office and Post Roads seems to be a dreamer, since a few minutes ago he gave vigorous testimony to the feasibility, practicability and fruitful possibilities of this enterprise. I am not afraid to put this project of rural development upon a sure foundation basis of development, or unwilling to expend in experimentation on this line, if indeed the development of this project can now be fairly styled experimentation, a sum far greater than that which has been voted for experiments in mail carrying by fast-flying machines in the uncertain realm of the air, nor do I apprehend that appropriations to enlarge this project of universal utility will ever be the subject of successful attack.

Mr. BLACK. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I am perfectly willing, so far as I am concerned, to take all the chances of mischief that it is suggested will follow upon the adequate development of this service. The figures on file at the Post Office Department very sufficiently establish both the merits and the potentialities of this child of the brain of the Fourth Assistant Postmaster General.

Mr. BLACK. Will the gentleman yield?

Mr. SAUNDERS of Virginia. With pleasure.

Mr. BLACK. The gentleman says he wants to put it at least on an equal footing with the aeroplane experiment.

Mr. SAUNDERS of Virginia. To do that, having in mind the value of the machines directed to be turned over by the War Department, and the amount of the appropriation, we ought to appropriate in this connection about \$7,000,000.

Mr. BLACK. I want to call this fact to the gentleman's attention. The aeroplane appropriation, as we passed it, carries \$500,000. This carries a million, and the Post Office Department will get the Army trucks from the War Department, just as they will get the aeroplanes, and you will have \$2 for this where you would have \$1 for the other.

Mr. SAUNDERS of Virginia. The gentleman has not fully apprehended the effect of the Garrett amendment. According to the best estimate I can make, of the value of the planes, and engines directed to be delivered to the Post Office Department, the effect of the Garrett amendment will be to turn over to that department material that must be worth \$5,000,000 or \$6,000,000. We do not propose to turn over any such value in motor trucks to this service.

Mr. BLACK. We have the authority now.

Mr. SAUNDERS of Virginia. We have directed the War Department to turn over these planes and engines to the Post Office Department. The War Department will have no discretion in the matter. Our mandate is peremptory, and we have nominated the material to be delivered.

Mr. CANNON. Mr. Chairman, I regret I have not had the benefit of the discussion on this amendment, which, I understand, is the difference between \$1,500,000 and \$500,000. I should be very glad to see that part of the paragraph stricken out and not give either the \$500,000 or \$1,500,000.

Let us stop and think a minute. We are scattering jurisdiction to this department and that department and the other department. This, as I understand it now, is to repair motor trucks, and for the purchase, manufacture, exchange, and expenses incidental to conveyance and the marketing of produce and commodities. That is broad enough, I take it, to cover the construction of roads.

Mr. SAUNDERS of Virginia. If the gentleman will pardon me, because of the apprehension on the part of some gentlemen that it might be possible to do that under this amendment, that portion relating to roads has been stricken out.

Mr. CANNON. I know; but you leave language there that I believe would be held, when it came to be passed on by the comptroller, to include the improvement of roads.

Now, let us stop and see where we are. There has been under the highway act money appropriated, and it is available for two years, to the extent of \$75,000,000, to aid in the construction of roads.

Mr. MADDEN. Will my colleague yield?

Mr. CANNON. I will.

Mr. MADDEN. The road question is out of this.

Mr. CANNON. The road question is out of it, but you leave language in here that any comptroller who passed upon it would hold would apply to the construction of roads. Now, when you get good roads the farmer will take care of himself. We have gotten railroads. I hope that they would not become largely increased in the expense of their operation a little later on by legislation. God knows, I want to see us get back instead of going forward and having the Federal Government running the whole machine, because then you come to inefficiency, with great expense and many cooks.

Now, I have a letter here from the Agricultural Department touching the construction of highways, \$75,000,000 all told. It is an interesting letter, but I have not time to read it in my five minutes. I speak in the highest respect of our former colleague, Postmaster General Burleson, but he is running to the extent of his ability, at railroad speed, toward the Government doing everything.

Now, there is upon us here during this Congress and the one to follow after many questions concerning the unscrambling of these eggs. We put it in expressly as to highways, but you strike highways out, and it would have to be construed under "repair of equipment, supervision, and maintenance, and expenses incidental to conveyance and marketing of produce and commodities." Now, I represent an agricultural district, one of the best in the United States. My State of Illinois has just voted, on a referendum, \$60,000,000 for the purpose of improving the roads—those black lands. My own county voted \$1,500,000 to improve roads. We have the spirit. The time has come when we can afford to do it. And here is the legislation calling for \$75,000,000 altogether. And if one State does not take it in two years, it can be reapportioned to the States that do take it. Let us keep this thing as near as we can under one jurisdiction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIN. Mr. Chairman, I do not agree with the distinguished gentleman from Illinois [Mr. CANNON]. This branch of the Post Office Department has gone through its experimental stage and has demonstrated it is to be not only self-sustaining but a great boon to both the people who live in the urban communities and to the producers of farm products.

The gentleman from Illinois has advanced no argument here why the farmers of this country should not have the Government, through its post-office facilities, go out through the country and gather up butter and eggs and vegetables of all kinds and bring them into town. What good would a million dozen eggs left out in the country be if the people in the cities who want them could not get them? What if you have potatoes, Irish and sweet potatoes, carrots, corn, away out in the country when the people in the towns, who are hungry for something to eat, can not get them?

If you please, the Government, through the Post Office Department, has demonstrated that it can send these motor trucks out into these rural communities and upon the payment of the bare parcel post on them bring all the farm products into the town and transport them into the cities where the people can use them, without one cent of cost to the Government. If the gentleman from Illinois will inquire of the Fourth Assistant Postmaster General, Mr. Blakslee, he will learn that these trucks have made enormous profits in the populous settlements of this country. Of course he will not introduce this service in places where they could not find any farm products or bring anything into town to satisfy the hunger of the people. It must be assumed that the Post Office Department will exercise common sense and judgment and find these communities where the motor trucks will do the most good and where the service will be self-sustaining and of advantage to the man out in the country who has farm products for sale, as well as the man in the city who must eat.

The gentleman from Illinois must think that a man can have 500 hens running around in his front yard in the city and that he can raise farm products in town. [Laughter.] That is a mistake. This produce must all come from the country. The farmers make it to sell to people in the cities. Of course, the man in town must pay the profits of all these middle men that

have had the benefits derived from the old system all these years. In Washington City it takes a rich man to get enough to eat. You can not live and pay the high prices that are exacted here, because all these middle men must get their rake-off before this produce gets on the consumer's table.

The department has gone into that and realizes the necessity for relief and has demonstrated its plan to be a success; and now the department asks this Congress to put up the money in order that it may go out into different branches all over this Republic and do the splendid work that it has done in these communities where it has tried out the system as an experiment. Yet the gentleman from Illinois finds fault with that. He complains that out of this money highways might be built somewhere. That feature is stricken out of the bill. I would not care if it were allowed to remain. I want the people out in the country to get good roads. I can not see why the gentleman from Illinois should object to the man who has produce to bring into town having a good road to travel over. The improvement of roads is one of the best things in this country that has ever been started, and I for one will be glad to see the improvement of roads extended all over this country. [Applause.] Yet the gentleman from Illinois is afraid the Comptroller of the Treasury might construe this item to warrant the officials of the Post Office Department in going out and building roads wherever they please. He complains that they will have to sustain this equipment. Does he object to the improvement of the equipment and having the motor trucks kept in good repair—the motor trucks which are necessary to haul this produce? Of course, the motor trucks would go down if you did not furnish money in this bill to keep them in repair and supply them with axle grease and lubricating oil and all other things that are necessary to keep up the equipment. [Applause.]

The CHAIRMAN. The gentleman from Minnesota [Mr. STEENERSON] offers an amendment to strike out "\$1,000,000" and insert in lieu thereof "\$500,000," and the gentleman from Virginia [Mr. SAUNDERS] offers a substitute by striking out "\$1,000,000" and inserting in lieu thereof "\$1,500,000." The question is on agreeing to the substitute offered by the gentleman from Virginia.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. NORTON. A division!

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 19, noes 30.

So the amendment was rejected.

The CHAIRMAN. Now, does the gentleman from Minnesota [Mr. STEENERSON] desire to withdraw his amendment?

Mr. STEENERSON. I am willing to withdraw it.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For travel and miscellaneous expenses in the Postal Service, office of the Fourth Assistant Postmaster General, \$1,000.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. TREADWAY. I do so for the purpose of asking the chairman of the committee the courtesy to kindly allow me to ask him a question with reference to the paragraph on lines 5 to 7, which have already been read. I understand the star-route contracts are for a four-year period. I simply wish to ask him whether or not there is any provision whereby an increase of the rates over those stated in the contracts made four years ago can be made, in view of the additional cost of maintenance to those who have taken contracts at the prices then prevailing for marketable goods at that time?

Mr. MOON. The act making appropriations for the department for 1918 provided that the Postmaster General may readjust all these star-route contracts on the basis of equity and justice, regardless of the original contract, and may continue the service at whatever sum may be reasonable or may relieve him of the contract entire.

Mr. TREADWAY. That is the law now?

Mr. MOON. Yes.

Mr. TREADWAY. And it would apply to such a condition as that to which I refer?

Mr. MOON. Yes.

Mr. TREADWAY. I have in mind several cases where contractors are actually losing money on account of the increased cost of their equipment, horses, and feed.

Mr. MOON. I think that was the main inducement for the passage of that law.

Mr. TREADWAY. At that time?

Mr. MOON. Yes; at that time.

Mr. TREADWAY. I thank the gentleman for his courtesy.

Mr. MONTAGUE. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Virginia moves to strike out the last two words.

Mr. MONTAGUE. I make this pro forma amendment, Mr. Chairman, with a view of asking the chairman of the committee [Mr. Moon] a question. I would like to ask the distinguished chairman whether or not he has any report from the Post Office Department in relation to the action taken under section 4 of the act of July 2, 1918, authorizing the Postmaster General to adjust the equities under certain contracts where in the performance of these contracts great losses have accrued to the contractors?

Mr. MOON. No; there is no report made to the committee, and none properly due to the committee under the law on that subject. My information is that the Postmaster General, in exercising the discretionary power that he has in that matter, has made an adjustment of a number of those matters, but there are some that have not been adjusted.

Mr. MONTAGUE. I would like to follow that with another question. I am apprised that there are one or two, perhaps more, contracts in which the losses are so great that the department declines to adjust them. In one instance the loss has been as much as 125 per cent, and the ground of nonaction is that the loss is too great to adjust. I submit that the greater the injustice, the greater the loss, the greater is the reason for adjustment.

Mr. MOON. That is not an inquiry for me to answer; it is a matter of administration under the Postmaster General.

Mr. MONTAGUE. I wanted to get the view of the chairman upon it.

Mr. ROUSE. Will the gentleman yield?

Mr. MONTAGUE. Certainly.

Mr. ROUSE. I will state that I know of one single case where the contractor for screen-wagon service in Cincinnati has that kind of a contract, and it has not been adjusted, but they are working on a basis of 80 per cent.

Mr. MONTAGUE. Has not the Postmaster General designated the Federal Trade Commission, or some official from that body, to ascertain the losses incident to the performance of these contracts?

Mr. ROUSE. I am not advised on that matter, but I know that there are constantly received at the Post Office Department appeals asking that these contracts be adjusted.

Mr. MONTAGUE. I am advised that the Federal Trade Commission has in one contract found the losses to be 125 per cent, and yet the Post Office Department has declined to afford any remedy. The contractor is not released from the performance of his contract, but must continue in its performance, thus driving him into bankruptcy.

Mr. NORTON. Has the Post Office Department any authority to revoke or cancel these contracts?

Mr. MONTAGUE. Under the provision I have just cited it would seem that he has such authority. I refer to the act of July, 1918.

Mr. ROBBINS. Will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. ROBBINS. I have a pressing case in my district, and when this fourth section of the act of July, 1918, was up I called the attention of the committee to it, and I think I asked the chairman if it was not the intention to adjust such contracts. The contractor in my district has filed a claim and wanted the contract adjusted; he is day after day losing money, his bondsmen are responsible, and he has protested, but can get no relief. The section is being evaded or overlooked. I am anxious to have light on the subject, and I am very much interested in the interrogation of the gentleman from Virginia.

Mr. Chairman, examine the part of this bill beginning on page 26, line 2, and note that line 22 provides for the compensation of rural carriers. A day's work of the rural carrier, so far as travel is concerned, is 24 miles and the time is six days per week. For such service the carrier receives \$1,440, and he is allowed \$24 per year for each mile or major fraction over 24 miles that he is compelled to travel, and the compensation is reduced where the mileage is less by a graded scale until where the route is 4 miles and less than 6 miles the compensation is only \$576 per year. This compensation is inadequate, although it was increased by the last act of Congress. In rural districts where the country is hilly and the roads, many of them,

almost impassable during the winter season the carriers are put to a greater expense to keep up the service.

In Westmoreland and Butler Counties, composing the twenty-second congressional district of Pennsylvania, that I have the honor to represent in Congress, many of the carriers, in order to meet the requirements of the service, now that parcel post has grown so heavy, are required to keep two horses and wagons, and some of them use motor cars and wagons, and others use motor cars alone; but nearly all of these are required to keep both kinds of transportation—horses and wagons for winter and motor cars for summer.

When this matter was examined into by the last Congress, a hearing was given the rural carriers, and it was shown by the report of 30 carriers, which I filed from my district, that the actual necessary expense in keeping up the vehicles was from \$67.50 per month down to \$30 per month, so greatly had the cost of horse feed, horseshoeing, and upkeep of vehicles, and cost of gasoline, tires, and upkeep of automobiles increased during the last year. The majority of the carriers were compelled to pay out on an average of \$60 per month for transportation alone. This left them but from \$50 to \$60 per month upon which to live and keep their families. The result has been that in my district many vacancies in the service have occurred, caused by resignations, because the carriers could no longer support their families and continue in the service.

Formerly these carriers made a large amount of money by carrying packages and making small purchases in the stores for their constituency. This, now, is taken away by the Parcel Post Service, these packages being sent more cheaply by postage.

These carriers applied for an advance in this compensation at this Congress and filed their claim with the committee, in which it was set forth, "We respectfully ask your committee for increase of 30 per cent on the basic pay for the next year and the same gradation of pay above the standard that is provided by law for less than the standard." Yet this appeal was ignored by the committee. They have granted an increase to the city carriers, where the pay of \$1,500 per year is allowed, and they are furnished with automobile or horse and wagon by the Government; but the rural carriers are compelled to furnish their own automobile or their own horse and wagon, pay entirely for its upkeep, and carry the mail for a maximum of \$1,440 per year for 24 miles per day travel.

This is unfair. The compensation is inadequate and ought to be increased, and I shall vote for the amendment pending to increase this pay, although the amendment pending does not go as far as I would go, because I would favor the increase of 30 per cent which the carriers ask.

There is another matter, which is covered by the next paragraph of the bill, namely, the investigation of conditions arising from contracts on the star-route service and the adjustment of the compensation therefor.

Under the act of July 2, 1918, the Postmaster General was authorized to adjust these contracts and give relief under the following provision of the law:

SEC. 4. That the Postmaster General is authorized to investigate conditions arising from contracts in the star route, screen wagon, and other vehicle service entered into prior to June 30, 1917, and from contracts for furnishing envelopes, blanks and blank books, and the Official Postal Guide, for contracts entered into prior to June 30, 1917, with a view to determining whether any adjustment should be made in the compensation and to adjust the same for materials or services hereafter to be furnished or rendered in cases where the facts disclose the necessity for such adjustment, or, in his discretion, with the consent of the contractor and his bondsmen, the Postmaster General may cancel such contracts.

Yet it seems to be impossible to obtain from the Postmaster General an examination into and adjustment of the compensation of star-route carriers, who, because of the increased cost of transportation and living, are losing money in carrying out their contracts.

I have in my district a star route extending from Mount Pleasant to Donegal, Pa., and serving several intermediate offices. This contractor took this contract for a period of four years beginning in 1916, before the great advance in cost of the necessary articles that he is compelled to use in carrying out his contract. He has been losing money every day for more than a year and a half last past. He has demonstrated to the Post Office Department that the cost of horses and wagons and the upkeep thereof and the increased burden of the Parcel Post Service have made it impossible for him to complete his contract. He is, however, under bond, and the Government insists upon him carrying out the contract and losing money continuously and seems to be unwilling to grant him the relief that the law provides. The Government of the United States should not be an unfair employer. It ought not to extort, under changed conditions, compliance with a contract when it makes a bankrupt of the party with whom the contract is made.

To meet that very condition the above law was enacted, and Congress in good faith has given the Postmaster General power to adjust unusual cases, such as the one I have cited, and yet the Post Office Department seems unwilling to grant the relief it is legally authorized to extend to this unfortunate man. Mr. Chairman, I submit that these two wrongs ought to be corrected.

Mr. MONTAGUE. Mr. Chairman, I concur in the suggestion of the gentleman from Pennsylvania, but I wish to couple with that suggestion the observation, perhaps a repetition of what I said a moment ago, that the greater the inequity, the greater the losses, the more the reason for the department to take action. It appears here that the reason for nonaction is just the converse of that contention, namely, that the losses are so great that the department should not take action.

Mr. AYRES. We have given the Postmaster General the authority under the act of July 2, 1918. What further can Congress do?

Mr. MONTAGUE. Of course, something further could be done; it is possible to provide mandatory legislation, but I am simply bringing the subject to the attention of the committee that they may see what the legislation has accomplished.

Mr. MADDEN. Will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. MADDEN. I simply wish to say to the gentleman from Virginia that when the Post Office Committee reported this legislation for the relief of contractors losing money on account of the war, we assumed that the larger the loss the greater the need of readjustment.

Mr. MONTAGUE. Precisely; the greater the loss the greater the reason that remedy should be afforded.

Mr. MOON. I want to say that the power conferred in the act on the Postmaster General was discretionary, and it does not lie in the mouth of anybody in Congress to say that that discretion has been improperly exercised, unless the facts are presented upon which that might be determined. The gentleman, in his opinion, may think it has been improperly exercised, but the Postmaster General may, on the other hand, think he has exercised his discretion properly.

Mr. MONTAGUE. Will the gentleman permit a question?

Mr. MOON. Yes.

Mr. MONTAGUE. Suppose the designated agent from the Federal Trade Commission has reported a loss of 125 per cent in one contract, and the contractor requests a readjustment, does not the gentleman think that that would be an instance for the exercise of discretionary power?

Mr. MOON. If we have no statement of facts accompanying it, it would be a mere conclusion and not worthy of consideration. If all the facts involved show the loss has occurred and that the matter requires readjustment, I think the Postmaster General would be in error in not exercising the discretion.

The CHAIRMAN. The pro forma amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 2. That on and after July 1, 1919, clerks in first and second class post offices and letter carriers in the City Delivery Service shall be divided into six grades, as follows: First grade, salary \$1,000; second grade, salary \$1,100; third grade, salary \$1,200; fourth grade, salary \$1,300; fifth grade, salary \$1,400; sixth grade, salary \$1,500: *Provided*, That clerks in first and second class post offices and letter carriers in the City Delivery Service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the sixth grade. All promotions shall be made at the beginning of the quarter following one year's satisfactory service in the grade: *Provided further*, That clerks in first and second class post offices and letter carriers in the City Delivery Service who have served satisfactorily for one year in grades 1, 2, 3, 4, and 5, respectively, under the act approved July 2, 1918, shall be promoted to the next higher grade: *Provided further*, That the salaries of railway postal clerks shall be graded as follows: Grade 1, at \$1,100; grade 2, at \$1,200; grade 3, at \$1,300; grade 4, at \$1,400; grade 5, at \$1,500; grade 6, at \$1,600; grade 7, at \$1,700; grade 8, at \$1,800; grade 9, at \$1,900; and grade 10, at \$2,000.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman wherein this changes existing law.

Mr. MADDEN. It does not; it only makes it permanent law.

Mr. MOON. That is all; it is exactly the same as the previous statute, except that we make this permanent.

Mr. CANNON. There is no increase in the salary; it simply makes it permanent law?

Mr. MOON. That is all.

Mr. CANNON. And there is no other change beyond—

Mr. MOON. There will be when we come to the next page.

The Clerk read as follows:

The Postmaster General shall classify and fix the salaries of railway postal clerks, under such regulations as he may prescribe, in the grades provided by law; and for the purpose of organization and establishing maximum grades to which promotions may be made successively, as hereinafter provided, he shall classify railway post offices, terminal

railway post offices, and transfer offices with reference to their character and importance in three classes, with salary grades as follows: Class A, \$1,100 to \$1,400; class B, \$1,100 to \$1,500; class C, \$1,100 to \$1,700. He may assign to the offices of division superintendents and chief clerks such railway postal clerks as may be necessary and fix their salaries within the grades provided by law without regard to the classification of railway post offices.

Mr. MADDEN. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

Page 25, line 3, strike out "\$1,400" and insert "\$1,500."

Mr. MADDEN. And in line 7 strike out "\$1,500" and insert "\$1,600."

The Clerk read as follows:

And in line 7 strike out "\$1,500" and insert "\$1,600."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendments were agreed to.

Mr. LAGUARDIA. Mr. Chairman, I move to amend, on page 25, in line 7, by striking out "\$1,700" and inserting "\$1,800."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 25, line 7, strike out "\$1,700" and insert "\$1,800."

Mr. MADDEN. Mr. Chairman, the classes of the railway mail clerks within which the classes A, B, and C are grouped have been fixed in the classification laws, and the idea was, and is, by the amendments suggested by me, to permit of an automatic promotion of \$100 in each grade. Without the amendments I suggested they would not be able to get the automatic promotions within those classes. It has always been understood that there was \$100 difference between each of the grades, and for the men in class A, running from \$1,100 to \$1,500, that will give them an automatic promotion of \$100 now. For those from \$1,100 to \$1,600 in class B it makes a difference of \$100 there; and if class C remains where it is, it makes exactly \$100 difference between class B and class C, as there is between class A and class B. I do not see any reason in the world why the gentleman from New York [Mr. LAGUARDIA] should offer the amendment that he has offered, or, having offered it, why the committee should adopt it, because it makes a disparity between the classes which ought not to exist. This is a matter that has been given consideration by the members of the Post Office Committee—a matter in connection with which consultations have been had both with the postal authorities and the men in the Railway Mail Service—and I may say that the amendments that I offered, which have been adopted, are not only satisfactory to the postal authorities, but they are also satisfactory to the man who speaks for the railway mail clerks, and he has, in words that could not be misunderstood, expressed satisfaction with the action that was proposed to be taken and which has been taken.

Mr. LAGUARDIA. It was simply to keep it in the same ratio as you have it now.

Mr. MADDEN. That is a mistake. There ought not to be \$200 difference between them. There ought to be \$100 difference.

Mr. LAGUARDIA. You have \$200 now, between \$1,500 and \$1,700.

Mr. MADDEN. But we have three classes—\$1,500, \$1,600, and \$1,700—\$100 difference between each class.

Mr. LAGUARDIA. I will state to the gentleman that the matter was called to my attention by the Railway Mail Clerks' Association.

Mr. NORTON. Mr. Chairman, will the gentleman from Illinois yield?

Mr. MADDEN. Yes.

Mr. NORTON. What are these various classes—class A from \$1,100 to \$1,500?

Mr. MADDEN. These are classes that have been in existence in the Railway Mail Service for years. For example, class A men do the work on the light routes, class B the work on trains that run on heavier routes, and class C includes the men who work on very heavy routes.

Mr. NORTON. They begin to work at the same rate as class A?

Mr. MADDEN. They begin to work at the same rate, but as long as they are in the class they can go to a certain point only, and after they are transferred to another class they get a new compensation.

Mr. NORTON. They go in a higher grade.

Mr. MADDEN. That is it.

Mr. MOON. Mr. Chairman, I want to say that I approve of the remarks of the gentleman from Illinois [Mr. MADDEN], and while this is not a committee amendment the committee have informally considered it and have approved it, so far as a majority of them is concerned. All of them could not be con-

sulted. It is also approved by the Post Office Department and it is approved by the railway mail clerks to be benefited by the legislation.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. MOON. Yes.

Mr. STEENERSON. I did not catch what the gentleman said about the Post Office Committee's action.

Mr. MOON. I said the Post Office Committee had not acted on it.

Mr. STEENERSON. The bill as printed represents the action of the Post Office Committee.

Mr. MOON. The bill as printed is the action of the Post Office Committee; but I am speaking of the amendment offered by the gentleman from Illinois.

Mr. STEENERSON. When was that considered?

Mr. MOON. It has not been considered by the Post Office Committee. A majority of the committee have indicated informally, without acting upon it, that they were favorable to the amendment.

Mr. STEENERSON. Including the chairman? The chairman is in favor of it?

Mr. MOON. I think so. I hardly ever set up my judgment against the majority of the committee, against the Post Office Department, and against the people who are to be benefited by the legislation.

Mr. STEENERSON. I wanted to be sure, because I did not know anything about any action.

Mr. MOON. The chairman did not call anyone into consultation about it. He simply received that information from the members.

Mr. STEENERSON. Will this result in any discrimination as to the amount of increase of other employees?

Mr. MOON. I think not in the least.

Mr. STEENERSON. The suggestion has been made that it might make a larger increase for these men than the increase that we have given to the other employees.

Mr. MOON. I think not.

Mr. BLACK. Mr. Chairman, I move to strike out the last word in order to explain the reason for the Madden amendment by perhaps mentioning one matter that the gentleman from Illinois [Mr. MADDEN], who offered it, did not mention. Under the plan of increase that we have in section 2 of the bill the post-office clerks and letter carriers will be automatically promoted one grade each year from the grade they are now in to \$1,500. Under the grouping of the railway mail clerks group A would be from \$1,100 to \$1,400 as written in the bill, and the gentleman from Minnesota, if he will give heed, can readily see that those in group A could never go as high in their promotions as letter carriers or postal clerks, because they would be restricted to \$1,400.

Mr. STEENERSON. They are performing similar service to the post-office clerks.

Mr. BLACK. Yes; and we think it equitable to enlarge that group \$100, making it \$1,100 to \$1,500, and to enlarge the second group from \$1,100 to \$1,600, and leave the third group as it is now, at \$1,100 to \$1,700.

Mr. STEENERSON. Otherwise the clerks in these terminals covered by this proposition would receive higher pay as clerks than the regular clerks.

Mr. BLACK. Yes; the gentleman is correct. Group A is restricted in section 2 from \$1,100 to \$1,400 and ought to be enlarged another grade.

Mr. STEENERSON. That is simply correcting an error of the committee?

Mr. BLACK. Yes; it really would not be doing justice to the railway mail clerks if we did not make the change so as to harmonize with the other provisions of the bill.

Mr. STEENERSON. But the gentleman opposes the amendment of the gentleman from New York?

Mr. BLACK. I do not favor the amendment of the gentleman from New York. I think the amendment which we have just adopted is sufficient to adjust the equities of the case.

Mr. LAGUARDIA. Mr. Chairman, I just want to make one statement—that this matter was called to my attention by the representative of the Mail Clerks' Association, and they are not at all satisfied, as was stated on the floor. They desire to have the increase of grade C kept in the present ratio; that is, the difference between grade B and C. That is all the information I have on this, and I submit it.

The CHAIRMAN. The Chair will state the committee has already adopted the amendment of the gentleman from Illinois. The question now is on the amendment of the gentleman from New York.

The question was taken, and the amendment was rejected.
The Clerk read as follows:

Clerks in class A shall be promoted successively to grade 3, clerks in class B shall be promoted successively to grade 4, and clerks in class C shall be promoted successively to grade 5, at the beginning of the quarter following the expiration of a year's satisfactory service in the next lower grade. Promotions above these grades within the maximum grades of the classification may be made in the discretion of the Postmaster General for meritorious service. No promotion shall be made except upon evidence satisfactory to the Post Office Department of the efficiency and faithfulness of the employee during the preceding year: *Provided further*, That clerks assigned as clerks in charge of crews consisting of more than one clerk shall be clerks of grades 6 to 10, inclusive, and may be promoted one grade only after three years' satisfactory and faithful service in such capacity: *Provided further*, That on and after July 1, 1919, the compensation of each rural letter carrier for serving a rural route of 24 miles and over, six days in the week, shall be \$1,440 and \$24 per mile for each mile or major fraction thereof over 24 miles per annum, payable monthly; on routes 22 miles and less than 24 miles, \$1,382; on routes 20 miles and less than 22 miles, \$1,296; on routes 18 miles and less than 20 miles, \$1,152; on routes 16 miles and less than 18 miles, \$1,008; on routes 14 miles and less than 16 miles, \$864; on routes 12 miles and less than 14 miles, \$806; on routes 10 miles and less than 12 miles, \$748; on routes 8 miles and less than 10 miles, \$691; on routes 6 miles and less than 8 miles, \$633; on routes 4 miles and less than 6 miles, \$576. A rural letter carrier serving one triweekly route shall be paid on the basis for a route one-half the length of the route served by him, and a carrier serving two triweekly routes shall be paid on the basis for a route one-half of the combined length of the two routes: *Provided further*, That hereafter postmasters of the fourth class shall receive the same compensation as now provided by law, except that they shall receive 100 per cent of the cancellations of the first \$100 or less per quarter: *Provided further*, That if the compensation does not exceed \$75 for any one quarter, fourth-class postmasters shall be allowed an increase of 20 per cent of the compensation allowed under existing law: *Provided further*, That hereafter the increased compensation provided in section 2 of the act approved July 2, 1918, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes, shall remain the same for employees other than those mentioned herein.

Mr. ALMON. Mr. Chairman, I offer the amendment which I have sent to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

On page 26, line 2, strike out, after the words "*Provided further*," down to and including the figures "\$576," in line 17, and insert the following: "That on and after July 1, 1919, the compensation of each rural letter carrier for serving a rural route of 24 miles and over six days in a week shall be \$1,500 and \$24 per mile for each mile or major fraction thereof over 24 miles per annum, payable monthly; on routes 22 miles and less than 24 miles, \$1,440; on routes 20 miles and less than 22 miles, \$1,350; on routes 18 miles and less than 20 miles, \$1,200; on routes 16 miles and less than 18 miles, \$1,070; on routes 14 miles and less than 16 miles, \$900; on routes 12 miles and less than 14 miles, \$840; on routes 10 miles and less than 12 miles, \$780; on routes 8 miles and less than 10 miles, \$720; on routes 6 miles and less than 8 miles, \$660; on routes 4 miles and less than 6 miles, \$600."

Mr. MOON. Mr. Chairman, I reserve a point of order on the amendment. I just make the point of order and I will let the Chair rule on it. This is new legislation on an appropriation bill, and the fact that each section of this bill was put in the order by agreement does not authorize, in my judgment, any new legislation or any change in the salary law. That increase was put on in accordance with the existing salaries already provided by law and the amendment proposed would be a change of the salary law.

Mr. ALMON. Mr. Chairman, the purpose and effect of the amendment is simply to provide for a small increase in the compensation for rural letter carriers over that reported in the bill, and as far as I am concerned I am willing to submit the question of the point of order to the Chair. The gentleman from Tennessee [Mr. Moon], the chairman of the committee, has not given any reason why my amendment is not in order under the rules of the House, and I am willing to leave it with the Chair to decide.

Mr. MOON. I suggest the law as it now exists fixes these salaries. This amendment proposes to change it in this appropriation bill.

The CHAIRMAN. The Chair would like to ask the gentleman from Tennessee a question. The Chair would like to ask the gentleman from Tennessee if there is any statutory law fixing the salary of rural letter carriers?

Mr. MOON. I think there is.

Mr. MANN. Mr. Chairman, it makes no difference if there are 40 statutes fixing the salary of letter carriers, because what is proposed in the bill is to fix the salary of letter carriers and made in order by unanimous consent of the House. It would be subject to the point of order if it had not been by unanimous consent. This fixes the salary after the 30th of June next and is made in order. Now, the amendment changing the rate of salary is, of course, germane and clearly in order.

The CHAIRMAN. The Chair agrees with the gentleman from Illinois, and the Chair was asking the chairman of the committee a question for information, because the Chair does not pre-

tend to know all the postal laws. The Chair overrules the point of order.

Mr. ALMON. Mr. Chairman, I have offered this amendment for the purpose of equalizing the compensation of city letter carriers and rural letter carriers.

The basic pay of city letter carriers is \$1,200 per year for eight hours per day, and pro rata pay for all overtime.

The basic pay of rural letter carriers is \$1,200 per year for daily service on routes of 24 miles, with half the pro rata pay for overmileage.

The allowance for mounted city letter carriers covers the entire cost of equipment maintenance, and amounts in some cases, for horse-drawn vehicles, to \$700, and for motor vehicles, \$1,500. (First Assistant Postmaster General Koons has stated that the cost would in some instances be increased 100 per cent this year.)

The allowance for equipment maintenance for rural carriers is nothing.

Under the Post Office appropriation bill, as reported by the Post Office Committee, city letter carriers are given an increase of \$300 per year.

Under the same bill rural carriers are given an increase of \$240 per year.

Under the bill a mounted city letter carrier will receive:

| | |
|--|---------|
| Salary | \$1,500 |
| Equipment allowance (possible) | 1,500 |
| Total | 3,000 |
| Under the same bill a rural letter carrier will receive a total of | 1,440 |

Difference in favor of the city carrier 1,560

For some reason—I do not know why—the last Post Office appropriation bill reported by the committee made provision for an increase of compensation for city letter carriers amounting, on the average, to 20 per cent, the same bill making provision for an increase of compensation for rural letter carriers of 15 per cent. I offered an amendment making it 20 per cent, which was adopted and concurred in by the Senate. The same thing has occurred again. The bill now before the House provides for the classification of city letter carriers and fixing their compensation on an average of 25 per cent more than it was before the war.

Mr. BLACK. Will the gentleman yield?

Mr. ALMON. Yes.

Mr. BLACK. I want to call the gentleman's attention to the fact that the increases we have in this bill as to letter carriers, postal clerks, and railway mail clerks are identical with what we have in the bill passed in June, 1918, and at the same time the gentleman offered his motion to increase the salary of the rural carriers to 20 per cent.

Mr. ALMON. It is evident to anyone who will examine this bill that the statement which I have just made is correct. I think the increase of compensation provided for city letter carriers is just and proper, and I favor it, but I am opposed to the discrimination provided for in this bill. I have always thought if there was any difference in compensation in these two classes of postal employees it should be in favor of the rural letter carrier, for the reason that he is required to furnish his own equipment for the carrying of the mails, the cost of which in some cases is one-half the salary paid the carrier. The cost of living and equipment is as great as it was a year ago, if not greater.

This bill provides for a large increase in the appropriation to cover the expenses of equipment furnished by the Government to mounted city letter carriers. The chairman of the committee, in support of that increase, said that it was shown by the statement of the First Assistant Postmaster General that the Government had to pay in some cases as much as 100 per cent more for its equipment for mounted city letter carriers than four years ago, one reason being the increased cost of labor and gasoline, and another reason was in some cases there had been an increase of 100 per cent in mail matter over several years ago. For the same reason there should be an increase of compensation given the rural letter carrier.

I know of rural letter carriers who have been required to purchase additional equipment and keep as many as three horses to carry the mail on routes where one horse and a light vehicle were sufficient several years ago. And after paying the present high price for corn, hay, and oats and the upkeep of his equipment there is but little left of his salary with which to support himself and family. I have always believed that the rural letter carrier should be paid more than the city carrier, for the reason he is required to furnish and maintain his equipment.

Considerable has been said about the permanent feature of the salaries fixed by this bill by some of the Members. They seem to overlook the fact that section 3 of this bill makes pro-

vision for the appointment of a commission to investigate and report to the next Congress on the subject of equalizing and readjusting the salaries of the postal employees. If this is done, I trust that the commission will call attention to the unjust discrimination against rural letter carriers, if this bill should be passed as reported by the committee, and recommend that the next Congress readjust the salaries in such a manner as to be fair to the rural carriers.

Mr. ROUSE. I would like to ask the gentleman if he knows how much this would increase the appropriation?

Mr. ALMON. I have not made the calculation, but understand it would be about \$2,000,000 a year.

Mr. ROUSE. It would be about \$2,500,000.

Mr. ALMON. Let it be that. We should do the right thing regardless of what it will cost.

Mr. ESCH. Can the gentleman inform the House how many resignations there were of rural letter carriers last year?

Mr. ALMON. I don't know, but am informed that it amounted to about 18 per cent of the carriers.

Mr. ESCH. My impression is, judging from my own district, there must be a very large number.

Mr. ALMON. There have been more resignations of rural letter carriers in the district which I represent since their salaries were increased 20 per cent than before this was done, on account of the increased cost of living and equipment and because the carriers claim they can make more in other lines of business.

I hope that the House will adopt my amendment and correct the proposed very unjust discrimination against these faithful and underpaid postal employees engaged in carrying the mails to the people in the rural districts of this country. [Applause.]

The CHAIRMAN. The gentleman from Tennessee [Mr. Moon] is recognized.

Mr. MOON. Mr. Chairman, I know that the House is always very strongly in sympathy with the raising of salaries of rural carriers. I feel that way myself. I do not know why, but for some reason they have felt pretty close to me. I suppose they are pretty good men in a district. We are all alike in matters of that sort.

But we must have some consideration for the Treasury in matters of this kind. We have provided in this bill for a commission that will look into the whole question of salaries, and that commission will classify and rearrange the whole system throughout the department affecting its officials. Until that is done I do not believe there ought to be any increase in the salaries over those carried in the present bill.

Now, we carry in this bill exactly the same provision on the question of city clerks and carriers and city post offices and railway mail clerks and rural carriers as was carried in the last bill. We carry the 10 or 15 per cent provision in another section of the bill for other employees of the department.

You will observe, if you will think for a moment, that in the statute that was passed there was a discrimination which was unfair to the other employees of the department, because those employees did not get the percentage of raise that the carriers got, or that the rural carriers got, and the rural carriers got the best raise of all. The average raise of the other clerks did not amount to 15 per cent, but this House raised the pay 20 per cent additional to the rural carriers on the bill which was approved last year and became part of the law.

Now, we are seeking to make that permanent. That is all we are giving them; exactly the 20 per cent which they had before; and that is going to add \$10,150,000 to this bill—even the provision that we have got here now. This is to make it permanent.

It seems to me we should go a little slow in handling the public money. Nobody is demanding a raise except the gentleman from Alabama [Mr. ALMON]. The representatives of the rural letter carriers express themselves as being entirely satisfied with the present salaries. I have had no request as chairman of this committee from any rural carriers in the United States to raise their salaries. They are all satisfied to have the present raise made permanent and to take their chances before the commission.

Mr. ROBBINS. Mr. Chairman, if the gentleman will read page 116 of the hearings before his committee he will notice that a statement was filed by Mr. W. D. Brown, attorney for the National Rural Letter Carriers' Association, in which he says:

I respectfully ask your committee for an increase of 30 per cent on the basic pay for the next year and the same gradation of pay for mileage above the standard, as is provided by law for less than the standard. A little later I will submit statistics in support of my request.

Mr. MOON. He puts that in the record. But the gentleman should understand that he is not the only representative of these people. He has no authority, so far as I know, to make that request. However, I do not want to discuss that.

Mr. ROBBINS. He says he asks for an increase of 30 per cent on the basic pay of this year, so that there is a request for an increase.

Mr. MOON. That is what they are going to ask under this commission when it is created, as I am informed. No contest was made before our committee or the suggestion pressed. Everybody, including Mr. Brown, appeared to be satisfied with this provision. But, as I said, I do not care to go into a discussion of that matter. There is no demand from the individual carriers anywhere, except a few, that has come to this committee for an increase. I know they want a slight increase in the final readjustment, as Mr. Brown stated, in these salaries, but it is not a very large one. It is a small one. It is one that ought to come to them, but it ought to come on the basis of the readjustment of the other salaries. We have made the provision in the last bill permanent law, and I think that is all we ought to do.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama [Mr. ALMON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That a commission consisting of five members of the Committee on Post Offices and Post Roads of the United States Senate and five members of the Committee on the Post Office and Post Roads of the House of Representatives, to be appointed by the chairmen of the respective committees, is hereby authorized to investigate the salaries of postmasters and employees of the Postal Service with a view to the reclassification and readjustment of such salaries on an equitable basis; and said commission shall make a report with recommendation to Congress at the first day of the next regular session. The expense of such inquiry shall be paid from the unexpended balance of any appropriation for the Postal Service for the fiscal year ending June 30, 1919.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. How much of an expense is it expected that this commission will cause?

Mr. MOON. I do not know. There has been no estimate of it and no discussion of it, so far as I know. I take it that this commission ought to sit entirely in the city of Washington, where they can get all the facts that are necessary to make their report. These expenses are usually about \$15,000 or \$20,000, I believe, but I see no reason why this should be as much as would be incurred by a commission sitting outside of the city.

Mr. MANN. Is it expected that the commission will have any traveling expenses throughout the country?

Mr. MOON. We did not contemplate any. We did not know of any.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

Mr. MADDEN. Mr. Chairman, I would like to offer an amendment as section 3½ for the time being.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

Mr. MOON. Is that an appropriation?

Mr. MADDEN. No. It is to authorize the Post Office Department to purchase supplies from the Army and other departments. I would like to have it read for information.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Insert as section 3½ a new section, as follows:

"SEC. 3½. That the Postmaster General and other responsible officials, in expending appropriations contained in this act, so far as possible, shall purchase materials, supplies, and equipment, when needed and funds are available, from the various services of the Government possessing materials and supplies and equipment no longer required because of the cessation of war activities. It shall be the duty of the Postmaster General and other officials before purchasing any of the articles described herein to ascertain from the other services of the Government whether they have articles of the character described that are serviceable, and articles purchased from other sources of the Government, if the same have not been used, shall be paid for at a reasonable price, not to exceed the actual cost, and if the same have been used, at a reasonable price based upon length of usage. The various services of the Government are authorized to sell such articles to the Postal Service under the conditions specified, and the proceeds of such sales shall be covered into the Treasury as a miscellaneous receipt."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. ROUSE. Mr. Chairman, I desire to call the attention of the gentleman from Illinois to the amendment he offered yesterday.

Mr. MADDEN. We can go back to that. I would like to ask unanimous consent to go back to page 10.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to page 10.

Mr. MOON. Mr. Chairman, that is for the purpose of restoring two or three lines that are left out. I believe we had better finish the bill and go back to it.

Mr. MADDEN. Very well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That if the revenues of the Post Office Department shall be insufficient to meet the appropriations made by this act, a sum equal to such deficiency of the revenue of said department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post Office Department for the year ending June 30, 1920, and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General.

Mr. MOON. Mr. Chairman, I desire to offer an amendment to the section. After the figure "4," in section 4, I want to insert before the word "that" the following: "That there shall be appropriated out of any money in the Treasury of the United States not heretofore appropriated a sum equal to the sum that will be necessary to pay the increased salaries allowed in this bill."

The CHAIRMAN. Has the gentleman reduced his amendment to writing?

Mr. MOON. I have not, but the gentleman from Texas [Mr. BLACK] will.

The CHAIRMAN. While that is being done we will take up the request of the gentleman from Illinois.

Mr. MADDEN. I ask unanimous consent to return to page 10.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. After the word "pay," on line 13, I move to amend by inserting the following, which I send to the Clerk's desk.

The Clerk read as follows:

Page 10, line 13, after the word "pay," at the end of the line, insert the following: "Provided, That there may also be employed at first-class post offices foremen and stenographers at a salary of \$1,300 or more per annum; in all, \$55,000,000."

Mr. MADDEN. That was in the bill before, and we struck it out, but it ought not to have been stricken out.

Mr. STEENERSON. "Thirteen hundred dollars or more?"

Mr. MADDEN. Yes; that is the way it read in the bill.

Mr. STEENERSON. Not less than \$1,300.

Mr. MADDEN. No; at a salary of \$1,300 or more.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. MOON. Now, Mr. Chairman, I offered an amendment with the view that it was possible that the last section which has been read does not carry language of appropriation for the amount of the increased salaries. But I take it, in view of the language employed there providing for a deficiency to be paid out of the Treasury for all appropriations, that it will not be necessary to offer the amendment, and I therefore withdraw it.

Mr. STEENERSON. I will say that in my opinion it is entirely unnecessary.

Mr. MANN. It is covered by the language in the first paragraph of the bill.

Mr. ROBBINS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks on the rural-carrier proposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman and gentlemen of the committee, it has been my privilege for a number of years to serve as a member of the Post Office Committee under the distinguished chairman, Mr. Moon. I want to say that I have never occupied a service in all the history of my experience that has been so satisfactory as the service I have had with him. [Applause.] He has been clean, courteous, painstaking, and fair in everything he had to do, and this being the case, substantially, of the gentleman's chairmanship, I think it is only fair for me to say to him and to you what I think of the service he has rendered.

No man has ever occupied a distinguished position with greater conspicuity than the gentleman from Tennessee [Mr. Moon] has occupied in the chairmanship of this committee. [Applause.]

The country owes him a debt of gratitude for the painstaking care and conduct of this great service. I am proud to testify not only to my confidence in him but to his ability, to his fairness, and his character as a man, and to say that if I have the good fortune in the future to be placed as satisfactorily in my

work in the House as I have in my service under JOHN MOON, the chairman of this committee, I shall be very happy indeed. [Applause.]

Mr. STEENERSON. Mr. Chairman, I ask unanimous consent for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Chairman, I take great pleasure in uniting with the gentleman from Illinois [Mr. MADDEN] in this encomium upon our chairman. I began service with the gentleman from Tennessee 16 years ago, and although he is a man of positive views, and I have disagreed with him many times most radically, we have in the main agreed. Where we have disagreed we have disagreed in the most reasonable and fair way. Our disagreements have never left any rankling in our hearts, and when the dispute was over I always found the gentleman from Tennessee the very acme of good nature and companionship, so that I can heartily second every word that the gentleman from Illinois has said. [Applause.]

Mr. MOON. Mr. Chairman, I hardly think I am entitled to all the compliments my two friends, the gentleman from Illinois and the gentleman from Minnesota, have paid me, and yet I hope with becoming grace I accept them with much pleasure. It always does us good to know that our friends think well of us, and even if they do not think so well of us, in public they always say they do. [Laughter.] I am to be with them, I hope, again on this committee. There is no reason why the distinguished gentleman from Minnesota and the distinguished gentleman from Illinois should not occupy positions at the head of the table in the next Congress. At the foot of the table I will render them all the earnest service I shall be capable of giving. I thank them for what they have said. Mr. Chairman, I move that the committee do now rise, and that the Chairman be directed to report the bill back to the House with the recommendation that the amendments adopted in the Committee of the Whole be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13308) making appropriation for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. AYRES. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. AYRES. I desire to offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. AYRES. I am not.

The SPEAKER. If any gentleman opposed to the bill wants to make a motion to recommit, the Chair will recognize him. Otherwise the Chair will recognize the gentleman from Kansas. The Clerk will report the motion to recommit.

The Clerk read as follows:

I move to recommit the bill to the committee, with instructions to report the same back forthwith with an amendment striking out the amendment offered by the gentleman from Iowa [Mr. GREEN], which amendment reads as follows:

"After the word 'aeroplanes,' in the first line, strike out '\$59,825,000' and insert in lieu thereof '\$59,625,000'; after the word 'exceeding,' in the second proviso, strike out '\$500,000' and insert '\$300,000' in lieu thereof; and at the end of the amendment, after the words 'aeroplane service,' strike out the period, insert a comma, and add the following: 'And that no part of said sums shall be expended for the maintenance or operation of the aeroplanes above directed to be delivered to the Postmaster General by the Secretary of War, but such machines shall be operated and maintained by the personnel of the Air Service of the Army, under the control and direction of the Postmaster General.'"

Mr. MANN. Mr. Speaker, I make the point of order that the motion to recommit offered is not in order. I believe the Speaker has ruled on several occasions that where an amendment has been agreed to by the House, reported from the Committee of the Whole House, it was not then in order to move to recommit to strike out a part of the amendment which had just been agreed to. Of course the gentleman could have reached this proposition by offering an amendment to the amendment when it came before the House, but that was not done.

The SPEAKER. The gentleman's contention is correct. The motion to recommit is not in order. If the thing could be done which the gentleman from Kansas is trying to do, discussion of the bill in Committee of the Whole would be almost useless.

Mr. LONDON. Mr. Speaker, can not the object of the gentleman from Kansas be reached by asking for a separate vote on his amendment?

The SPEAKER. It is too late. All of the amendments have been agreed to, and the bill has gone to a third reading. Anybody who examines the question can easily tell the reason for the ruling. The question is on the passage of the bill.

The bill was passed.

Mr. MOON. Mr. Speaker, I move to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. LINTHICUM for four days on account of important business.

CHARLOTTE STERLING (H. REPT. NO. 873).

Mr. SANFORD. Mr. Speaker, I offer the following privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 471.

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay out of the contingent fund of the House, to Charlotte Sterling, clerk to the late John A. Sterling, a Representative from the State of Illinois at the time of his death, October 17, 1918, the sum of \$166.66, being an amount equal to one month's salary of a clerk of a Representative in Congress.

The SPEAKER pro tempore (Mr. GARRETT of Tennessee). The question is on agreeing to the resolution.

The resolution was agreed to.

E. NIEDNER (H. REPT. NO. 872).

Mr. SANFORD. Also the following, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 467.

To pay E. Niedner, clerk to the late Jacob E. Meeker, a Representative in Congress, \$166.66.

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to E. Niedner, clerk to Jacob E. Meeker, a Representative from the State of Missouri at the time of his death, October 16, 1918, the sum of \$166.66, being an amount equal to one month's salary of a clerk of a Representative in Congress.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

MARY B. JONES (H. REPT. NO. 871).

Mr. SANFORD. Also the following, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 450.

Resolved, That the Clerk of the House be, and he is hereby, authorized to pay, out of the contingent fund of the House, to Mary B. Jones, daughter of Thomas D. Jones, late an employee in the office of the Clerk of the House of Representatives, a sum equal to six months of his compensation as such employee, and an additional amount not exceeding \$250 to defray burial expenses of said Thomas D. Jones.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

W. RAY LOOMIS (H. REPT. NO. 874).

Mr. SANFORD. Mr. Speaker, I also offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 436.

Resolved, That the Clerk of the House is hereby directed to pay out of the contingent fund of the House, until otherwise provided for, extra compensation to W. Ray Loomis, assistant superintendent of the document room of the House, for extra work performed in compiling and editing the Weekly Compendium and Monthly Compendium, at the rate of \$125 per month from and after January 31, 1918, the date when the preparation of said compilations began.

With the following committee amendments:

Line 2, strike out the words "until otherwise provided for" and insert "during sessions of the Sixty-fifth Congress."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. SANFORD. Mr. Speaker, this resolution requires some explanation and perhaps some consideration. As a general rule, I am opposed to paying extra compensation to persons who are regularly carried on the rolls of the House, but in this particular instance I favor making an exception to that rule and passing this resolution. W. Ray Loomis is an employee in the

document room, receiving, I think, \$2,500 a year. He undertook at the date mentioned in the resolution the publication of a monthly compendium and a weekly compendium. He has done unquestionably a vast amount of work and he has done it well. He has received from about 240 Members of Congress encouragement in doing this work and has received their approval. In a word, I desire to tell you the contents and the purpose of this compendium. It contains a subject index of all public laws and joint resolutions receiving action during the Congress, a list of all resolutions introduced seeking investigation, a list of laws and public resolutions enacted during the Congress, a synopsis of the riders that appear in the different appropriation bills, and a history of the omnibus pension status, and a numerical status of all bills and resolutions and other transactions of Congress that are not so easily classified. I have made some investigation among the different Members of Congress who have used this publication, and I find that those who use it universally commend it.

Mr. MADDEN. Did the gentleman say how many used it?

Mr. SANFORD. Two hundred and forty Members of Congress have certified in writing that they have used it, and they have been helped greatly by it.

Mr. MADDEN. I would not give 50 cents for it.

Mr. SANFORD. There are Members of Congress, on the other hand, who take the position the gentleman from Illinois takes, who do not find it useful, but it does seem to me from the examination I have given it and the use I have made of it and my secretary has made of it that it does serve a purpose that is not duplicated in any way by the daily calendar or the synopsis that appears in the Record.

Mr. BLACK. Will the gentleman yield?

Mr. SANFORD. I will.

Mr. BLACK. Speaking of the 250 Members who have approved the publication of this compendium, is it not true that the author of it has written Members of Congress asking their judgment of his work?

Mr. SANFORD. I have no doubt the author of this work, like authors of a great many other literary publications, has sought commendation for his efforts. I dare say, however, that a Member of Congress has not given that approval without some consideration.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. SANFORD. I will.

Mr. HUDDLESTON. If this work is any different in its nature from the regular calendar, why should it not be prepared just as the calendar is prepared; why should we leave it to private initiative?

Mr. SANFORD. That question can not be answered. I do not know why Congress does not provide to have everything done that ought to be done, but the fact remains there is a great deal of precedent in the House for encouraging these men who on their own initiative find a field for their efforts and work diligently in that field. It can be said for this man that he has certainly worked with a great degree of assiduity, and his publication does show that it has been carefully and conscientiously done and that Congress has been using it. Of course, I have no interest in having this man paid; in fact, my prejudice would be against having him paid; but on a full examination of the facts it seems to me the man merits the compensation which he asks.

Mr. HUDDLESTON. When does the man do this work?

Mr. SANFORD. I have asked very carefully, and he says he does it outside of the regular hours of his employment in the Document Room.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SANFORD. I do.

Mr. GREEN of Iowa. I will say that I have on three different occasions saved several hours of time in looking up matters. I know in one instance I got the data which I knew from previous experience took me half a day to get.

Mr. SANFORD. I have had that same experience, and I have against my prejudice become a convert to this resolution. I have had a great many conversations with this fellow and looked over his work, and I can not resist his claim for compensation for that reason.

Mr. SMITH of Idaho. Is it not possible to refer to this compendium and ascertain the status of any bill that has been acted upon in committee and in process of enactment?

Mr. SANFORD. Not only that but also to find its number, when it has become the law, and by this publication it seems that a man without much experience in Congress can readily find out what he wants to know about the status of legislation. I know of no other way that a man who is not very familiar with proceedings here can find his way about.

Mr. MANN. Will the gentleman yield to me a moment?

Mr. SANFORD. I shall be glad to do so.

Mr. MANN. Mr. Speaker, I do not oppose the passage of the resolution. I yield due deference to the gentleman who did the work but question very much whether all the work he has done has been performed outside the hours of his usual employment. This weekly compendium is quite a bulky affair, weekly and monthly. I do not pretend to pass judgment upon it. I have been away very much of the time when it was being issued. It is not used in my office. I have examined it and could find nothing in it that I could not find in the regular index to the CONGRESSIONAL RECORD. The index to the RECORD is issued every two weeks. This is issued every week. This does not cover private bills. Usually the most difficulty which Members have in looking up matter in the RECORD is as to private bills. It may be, however, useful, and if useful it should be provided for in the regular way. However, I have no objection where a man has performed the service to having him paid extra compensation, although it raises his compensation, I think, to \$4,000 a year. The last Republican House had a man employed who kept track of every bill that was introduced and notified the introducer of the bill whenever any move was made on the bill, both in the House and the Senate. When the bill was referred, when the bill was reported, when the bill was acted on in the House, when the bill was sent to the Senate and referred and reported by the Senate committee, when acted on by the Senate, when enrolled and sent to the President, the introducer of the bill received a notice telling him what action had been taken, which was quite useful. I remember with what enthusiasm for economy the Democratic side of the House abolished that place, said that hereafter we do not propose to waste the people's money [laughter on the Republican side] for these extravagant things. Let Members keep track of the legislation that is going on; they ought to know what is doing in the House from day to day, and along comes a very good man over in the Document Room receiving, I think, a salary of \$2,500 a year, and, recognizing the extent of the ignorance of Congress, proceeds to instruct them by getting out practically a duplicate of what is now issued by other employees of the House in the form of the index to the RECORD. Well, I do not know how he got it published, but it was published. The work evidences a great deal of hard labor on the part of this gentleman. There is no doubt about that. And if Members of the House make use of it—as they say they do, and I do not dispute that—then, of course, fairness would require that he be paid and that his place be provided for in the regular way, not by giving him increased compensation for doing something which he says he does out of regular hours and which we know can not be done out of regular hours entirely. Give him pay for that instead of double pay for performing one service and drawing pay for another.

The SPEAKER pro tempore (Mr. GARRETT of Tennessee). The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is on the passage of the resolution as amended.

The question was taken, and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. SANFORD. Mr. Speaker, I ask for a division.

The House divided; and the resolution was agreed to.

CHAIRMAN OF COMMITTEE ON BANKING AND CURRENCY.

Mr. KITCHIN. Mr. Speaker, I wish to nominate and move the election of Mr. PHELAN, of Massachusetts, to be chairman of the Committee on Banking and Currency, to fill the vacancy caused by the resignation of Mr. Glass. [Applause.]

The SPEAKER pro tempore. The gentleman from North Carolina nominates Mr. PHELAN to the chairmanship of the Committee on Banking and Currency, and moves his election.

The question was taken, and the motion was agreed to.

THE PRIVATE CALENDAR.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that it shall be in order to-morrow to consider bills on the Private Calendar.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that it shall be in order to-morrow to consider bills on the Private Calendar.

Mr. FOSTER. May I ask the gentleman if this is to be bills unobjected to or are we to commence with the Private Calendar and take up each bill?

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I understood from the gentleman in private conversation that the desire was to substitute to-morrow for Friday.

Mr. KITCHIN. It would be regularly in order on Friday.

Mr. MANN. The Private Calendar would be in order on Friday?

Mr. KITCHIN. Yes.

Mr. MANN. And the gentleman desires to substitute to-morrow, as I understood, with the intention that by agreement we would adjourn over until Monday?

Mr. KITCHIN. Yes; and when we finish to-morrow's work, which is when we adjourn to-morrow, I shall ask unanimous consent to adjourn over until Friday.

Mr. MANN. Let us have it all in one request.

Mr. KITCHIN. I will ask that.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the business in order under the rules on Friday next shall be in order to-morrow, and when the House adjourns to-morrow it shall stand adjourned until Monday next at 12 o'clock noon. Is there objection?

Mr. TILSON. Reserving the right to object, may I ask one further question? Ordinarily the claims alternate, with war claims and pension claims sandwiched in between Friday after Friday. Now, what special committee will have the floor to-morrow?

Mr. KITCHIN. Private claims on the Private Calendar.

Mr. TILSON. There are a number of other bills besides claims.

Mr. KITCHIN. Those that are on the Private Calendar, some from the Indian Affairs Committee, some from War Claims, and some of what we call private claims, from the Committee on Claims.

Mr. TILSON. On one Friday claims are in order and on the next Friday pensions, and the next Friday war claims and the next Friday pensions again. Which will be considered to-morrow?

Mr. KITCHIN. It is for all as they appear on the Private Calendar.

Mr. LONGWORTH. Mr. Speaker, reserving the right to object, may I ask the gentleman if he has come to any determination about the Christmas recess?

Mr. KITCHIN. I think I have stated, certainly once or possibly twice, that when we adjourn Tuesday I shall ask unanimous consent to adjourn over until Friday, with the understanding that on Friday we will do no work, but adjourn over until the following Monday.

Mr. LONGWORTH. The gentleman expects to have a session on both Monday and Tuesday of next week?

Mr. MANN. Probably there will be no business.

Mr. KITCHIN. This coming Monday and Tuesday?

Mr. LONGWORTH. Yes.

Mr. KITCHIN. I understand the rivers and harbors bill will be in. I saw the chairman, the gentleman from North Carolina [Mr. SMALL] about it, and he says he will report the river and harbor bill to-morrow and they will take that up on Monday and Tuesday.

Mr. STAFFORD. And the next appropriation bill—

Mr. KITCHIN. Will be the legislative bill, we hope.

Mr. STAFFORD. I thought the foreign affairs bill would be first in order.

Mr. KITCHIN. Whichever is ready first.

Mr. STAFFORD. I do not believe the legislative bill will be ready until the week after the holidays.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina [Mr. KITCHIN]?

Mr. MONTAGUE. Mr. Speaker, reserving the right to object, may I ask the gentleman from North Carolina a question?

Mr. KITCHIN. Certainly.

Mr. MONTAGUE. There is a bill upon the calendar, but I do not think upon the Private Calendar, yet in one sense it is private, which relates to an incorporation to dispense a very urgent and imperative charity for the relief of suffering people in the Near East. If I could get unanimous consent I would like to bring it up to-morrow.

Mr. KITCHIN. I think the gentleman could ask unanimous consent to-morrow morning for that.

Mr. MANN. I think he could do it. I do not know what the bill is.

Mr. KITCHIN. It is to incorporate a charitable institution. I can say that the gentleman can ask unanimous consent to-morrow before we take up private claims.

Mr. MONTAGUE. I do not want to take up the time of the House. If it should take up the time of the House I would not want to do it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. KITCHIN. Both requests were included in one, Mr. Speaker, as I understand.

The SPEAKER pro tempore. Yes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title:

H. R. 13261. An act providing for the transportation from the District of Columbia of governmental employees whose services no longer are required.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 187. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Member of Congress.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Thursday, December 19, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Agriculture, submitting a supplemental estimate of appropriation required by the Department of Agriculture for the general expenses of the Forest Service, fiscal year 1919 (H. Doc. No. 1602); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Department of Commerce, transmitting report of the board of visitors to the Bureau of Standards (H. Doc. No. 1603); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

3. A letter from the Secretary of the Department of the Interior, transmitting traveling expenses incident to the detail of employees from the office of one surveyor general to another during the fiscal year ended June 30, 1918 (H. Doc. No. 1604); to the Committee on Expenditures in the Interior Department and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 249) to authorize the Secretary having jurisdiction of the same to set aside certain public lands to be used as national sanitariums by fraternal or benevolent organizations, and for other purposes, reported the same with amendment, accompanied by a report (No. 869), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Idaho, from the Committee on the Public Lands, to which was referred the bill (H. R. 13353) to extend the provisions of the homestead laws touching credit for period of enlistment to the soldiers, nurses, and officers of the Army and the seamen, marines, nurses, and officers of the Navy and the Marine Corps of the United States who have served or will have served with the Mexican border operations or during the war with Germany, reported the same with amendment, accompanied by a report (No. 870), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HOUSTON, from the Committee on War Claims, to which was referred the bill (H. R. 4440) for the relief of the heirs of Mrs. Susan A. Nicholas, reported the same with amendment, accompanied by a report (No. 864), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ZIHLMAN: A bill (H. R. 13426) authorizing and directing the Secretary of War to make certain donations of ordnance and cannons to designated cities; to the Committee on Military Affairs.

By Mr. KELLY of Pennsylvania: A bill (H. R. 13427) granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Monongahela River at or near the borough of Wilson, in the county of Allegheny, in the Commonwealth of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: A bill (H. R. 13428) for the protection and improvement of the Lassen Volcanic National Park, Cal., and for other purposes; to the Committee on Appropriations.

By Mr. CAMPBELL of Pennsylvania: A bill (H. R. 13429) granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near McKees Rocks Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

By Mr. HUSTED: A bill (H. R. 13430) to amend section 1766 of the Revised Statutes relating to officer in arrears; to the Committee on the Judiciary.

By Mr. CAMPBELL of Pennsylvania: A bill (H. R. 13431) granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Monongahela River at or near the borough of Wilson, in the county of Allegheny, in the Commonwealth of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

By Mr. RIORDAN: A bill (H. R. 13432) providing for a survey of Great Kills, Staten Island, N. Y.; to the Committee on Rivers and Harbors.

By Mr. STEELE: A bill (H. R. 13433) to promote interstate trade or commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GANDY: A bill (H. R. 13440) transferring jurisdiction and control over Battle Mountain Sanitarium of the National Home for Disabled Volunteer Soldiers from the Board of Managers of the National Home for Disabled Volunteer Soldiers to the Secretary of War for use for Army hospital purposes for the period covered by the exigencies growing out of the present war; to the Committee on Military Affairs.

By Mr. DARROW: Joint resolution (H. J. Res. 371) expressing the sense of Congress on the punishment of the late Emperor of Germany and everyone associated with him in violation of the law of nations and the committing of brutal atrocities in the late war; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Indiana: A bill (H. R. 13434) granting a pension to Adeline Bomgardner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13435) granting an increase of pension to William R. Roark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13436) granting an increase of pension to Burnetta Dayton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13437) granting an increase of pension to Frank B. Gillespie; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 13438) granting an increase of pension to Charles H. Crandall; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 13439) granting a pension to Henry S. Palmer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of president and faculty of Duquesne University, Pittsburgh, Pa., urging the independence of Ireland; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Resolutions by transportation bureau of the Denver Civic and Commercial Association, favoring the return of the railroads to the management of their respective owners at earliest date practicable; to the Committee on Interstate and Foreign Commerce.

By Mr. DOOLING: Resolutions adopted at a mass meeting of citizens of New York City, held at Corpus Christi Hall, November 26, 1918, relating to Irish freedom and self-determination; to the Committee on Foreign Affairs.

By Mr. ESCH: Resolutions of the Oshkosh Rotary Club, pledging their support to the principle of universal obligatory military training for all young men before voting age; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: Resolutions of Rockford (Ill.) Affiliated Council, No. 169, of the North American Union, favor-

ing Senate bill 3475, concerning certification of death of soldiers; to the Committee on the Judiciary.

By Mr. KAHN: Resolution of San Francisco Sales Managers' Association, urging the appointment by Congress of a business-planning commission; to the Committee on Ways and Means.

Also, resolution by members of local board No. 151, New York City, urging passage of legislation recognizing the various draft boards for their past services; to the Committee on Military Affairs.

By Mr. LUNDEEN: Petition of Minnehaha Lodge, No. 827, I. A. of M., of Minneapolis, Minn., requesting permanent Government control and eventual ownership of the railroads of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of Electrical Workers' Local No. 528, of Minneapolis shops, Chicago, Milwaukee & St. Paul Railway, asking that the railroads remain under Government control; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Resolution urging the passage of Senate bill 4967, by faculty of State Normal School of San Jose, Cal.; to the Committee on Education.

By Mr. SCHALL: Resolution by Dr. S. N. Deinard, Rabbi Silbers, Rabbi Matt, Dr. Marcus, and M. Zipperman, and sundry other Jewish citizens of Minneapolis, Minn., urging intervention on behalf of the Jews in Poland and Galicia; to the Committee on Foreign Affairs.

SENATE.

THURSDAY, December 19, 1918.

(Legislative day of Sunday, December 15, 1918.)

The Senate met at 12 o'clock noon on the expiration of the recess.

Mr. SIMMONS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---------------|------------------|--------------|--------------|
| Ashurst | Johnson, S. Dak. | Myers | Smith, Ga. |
| Bankhead | Jones, N. Mex. | New | Smith, Md. |
| Beckham | Jones, Wash. | Nugent | Smith, S. C. |
| Calder | Kellogg | Page | Smoot |
| Culberson | Kenyon | Penrose | Spencer |
| Curtis | Kirby | Phelan | Sutherland |
| Dillingham | La Follette | Pittman | Thomas |
| Fletcher | Lenroot | Polindexter | Townsend |
| Gay | Lodge | Pollock | Trammell |
| Gerry | McCumber | Pomerene | Underwood |
| Gronna | McKellar | Ransdell | Vardaman |
| Hale | McLean | Shafroth | Watson |
| Harding | McNary | Sheppard | Weeks |
| Hardwick | Martin, Ky. | Sherman | |
| Henderson | Martin, Va. | Simmons | |
| Johnson, Cal. | Moses | Smith, Ariz. | |

Mr. McNARY. I desire to announce that my colleague [Mr. CHAMBERLAIN] is absent on official business.

Mr. TOWNSEND. I wish to announce the absence of my colleague [Mr. SMITH of Michigan] on account of illness.

Mr. McKELLAR. The senior Senator from Tennessee [Mr. SHIELDS] is absent owing to illness.

Mr. SUTHERLAND. My colleague the senior Senator from West Virginia [Mr. GORE] is absent on account of illness.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13261) providing for the transportation from the District of Columbia of governmental employees whose services no longer are required.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 13261. An act providing for the transportation from the District of Columbia of governmental employees whose services no longer are required; and

S. J. Res. 187. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Member of Congress.

SHIPS OF WAR SURRENDERED TO THE ALLIES.

Mr. LODGE. Mr. President, I know this is a recess and there is no opportunity for morning business, but I have a

Senate resolution of inquiry which I should like to have read to appear in the RECORD. I shall call it up at the proper time when we have routine business.

The VICE PRESIDENT. Without objection, the resolution will be read.

The Secretary read the resolution (S. Res. 390), as follows:

Resolved, That the Secretary of State be directed to inform the Senate whether the report that the peace delegates of the United States at Paris are advocating the destruction of the ships of war surrendered to the allies and to the United States is correct; and, if so, by what authority the delegates to the peace conference are demanding the destruction of enemy property in part surrendered to the United States.

LEAGUE OF NATIONS.

Mr. PHELAN. Mr. President, on November 21, 1918, I submitted a resolution (S. Res. 351) approving the organization of a league of nations to prevent wars and enforce justice, which was ordered to lie on the table. I move that the resolution be taken from the table and be referred to the Committee on Foreign Relations.

The motion was agreed to.

LIQUOR TRAFFIC.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (H. R. 2614) to amend sections 2139 and 2140 of the Revised Statutes and the acts amendatory thereof, and for other purposes, asked to be discharged from the further consideration of the bill and that it be referred to the Committee on Indian Affairs, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 5209) granting an increase of pension to David W. Herriman; to the Committee on Pensions.

By Mr. MOSES:

A bill (S. 5210) to donate a gun or howitzer to the town of Claremont, in the State of New Hampshire; to the Committee on Military Affairs.

A bill (S. 5211) granting an increase of pension to Henry S. Silsby (with accompanying papers); to the Committee on Pensions.

By Mr. LENROOT:

A bill (S. 5212) for the relief of Philip S. Everest; to the Committee on Claims.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL.

Mr. JONES of Washington. I ask unanimous consent to submit an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill. I simply wish to say that it relates to the compensation of clerks and assistants to Senators, which we have had up several times before, and on which I hope to have favorable action by the committee hereafter. I move that the amendment be referred to the Committee on Appropriations and printed.

The motion was agreed to.

SALARIES OF FEDERAL JUDGES.

Mr. GORE submitted an amendment intended to be proposed by him to the bill (H. R. 12001) to amend an act entitled "An act to revise, codify, and amend the laws relating to the judiciary," approved March 3, 1911, which was referred to the Committee on the Judiciary and ordered to be printed.

THE REVENUE.

Mr. KELLOGG submitted an amendment intended to be proposed to the bill (H. R. 12863) to provide revenue, and for other purposes, which was ordered to lie on the table and be printed.

AERIAL MAIL SERVICE.

Mr. SHERMAN. Mr. President—

Mr. SIMMONS. Mr. President, I must object to further routine business to-day.

Mr. SHERMAN. May I offer a matter that I wish referred to the Committee on Military Affairs?

Mr. SIMMONS. I will be glad to yield to the Senator if he will just send it to the desk.

Mr. SHERMAN. Yes; it will take but a moment. I submit a communication from Capt. B. B. Lipsner, lately received, relating to the aerial mail service. I think it ought to go to the Committee on Military Affairs.

The VICE PRESIDENT. It will be so referred.

THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12863) to provide revenue, and for other purposes.

Mr. SIMMONS. When we recessed on yesterday, it was with the understanding that we should take up this morning the